



Division of  
Advertising Practices

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

MEMORANDUM

TO: Public Records  
Office of the Secretary

FROM: Sallie Schools  
Division of Advertising Practices

DATE: April 11, 2013

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. November 9, 2010 letter from Elias Yazbeck, Winner Company, to Mary K. Engle.
2. November 17, 2010 letter from Mary K. Engle to Elias Yazbeck, Winner Company.
3. December 7, 2010 letter from Barry Boren on behalf of U.S. Flue-Cured Tobacco Growers, Inc. to Mary K. Engle.
4. January 3, 2011 letter from Mary K. Engle to Barry Boren on behalf of U.S. Flue-Cured Tobacco Growers, Inc.
5. December 2, 2010 letter from Peter L. Tourtellot, Alternative Brands, Inc. to Mary K. Engle.
6. January 4, 2011 letter from Mary K. Engle to Peter L. Tourtellot, Alternative Brands, Inc.
7. October 25, 2010 letter from Vardan Alumyan, AMVATRADE Corp. to Mary K. Engle.
8. January 11, 2011 letter from Mary K. Engle to Vardan Alumyan, AMVATRADE Corp.
9. January 7, 2011 letter from Kamiakin Wheeler, King Mountain Tobacco Company, Inc. to Mary K. Engle.

Public Records

April 11, 2013

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10. January 20, 2011 letter from Mary K. Engle to Kamiakan Wheeler, King Mountain Tobacco Co. Inc.
11. January 6, 2011 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
12. January 24, 2011 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
13. January 25, 2011 letter from Barry Boren on behalf of Canadian Agricultural Depot, LLC to Mary K. Engle.
14. January 25, 2011 letter from Mary K. Engle to Barry Boren on behalf of Canadian Agricultural Depot, LLC.
15. January 4, 2011 letter from Barry Boren on behalf of MC Enterprise LLC to Mary K. Engle.
16. February 2, 2011 letter from Mary K. Engle to Barry Boren on behalf of MC Enterprise LLC.
17. February 8, 2011 letter from Bryan Johnson, Skookum Creek Tobacco Co. to Mary K. Engle.
18. February 8, 2011 letter from Mary K. Engle to Bryan Johnson, Skookum Creek Tobacco Co.
19. January 19, 2011 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
20. February 9, 2011 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
21. February 7, 2011 letter from Rhondetta G. Walton, Commonwealth Brands, Inc. to Mary K. Engle.
22. February 11, 2011 letter from Mary K. Engle to Rhondetta G. Walton, Commonwealth Brands, Inc.
23. February 11, 2011 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary K. Engle.
24. February 14, 2011 letter from Mary K. Engle to Gary C. Sanden, Seneca Manufacturing Company.

25. February 11, 2011 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Mary K. Engle.
26. February 14, 2011 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
27. February 8, 2011 letter from J. Conrad Seneca, Six Nations Manufacturing, to Mary K. Engle.
28. February 23, 2011 letter from Mary K. Engle to J. Conrad Seneca, Six Nations Manufacturing.
29. February 18, 2011 letter from Joseph T. Wong on behalf of Konci G & D Mangement Group (USA), Inc. to Mary K. Engle.
30. February 25, 2011 letter from Mary K. Engle to Joseph T. Wong on behalf of Konci G & D Mangement Group (USA), Inc.
31. February 1, 2011 letter from William H. Melton, Lignum-2, Inc. to Mary K. Engle.
32. February 28, 2011 letter from Mary K. Engle to William H. Melton, Lignum-2, Inc.
33. February 28, 2011 letter from Dongwon Lee, Global Trading, Inc. to Mary K. Engle.
34. February 28, 2011 letter from Mary K. Engle to Dongwon Lee, Global Trading, Inc.
35. February 28, 2011 letters (2) from Joe Fliss, D Cube LLC d/b/a Sovereign Tobacco Co. to Mary K. Engle.
36. March 2, 2011 letter from Mary K. Engle to Joe Fliss, D Cube LLC d/b/a Sovereign Tobacco Co.
37. March 3, 2011 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
38. March 10, 2011 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.
39. March 8, 2011 letter from Nick Kolev, Infinity Media Group to Mary K. Engle.
40. March 10, 2011 letter from Mary K. Engle to Nick Kolev, Infinity Media Group.
41. February 23, 2011 letter from John R. Long, Liggett Group LLC to Mary K. Engle.

42. March 14, 2011 letter from Mary K. Engle to John R. Long, Liggett Group LLC.
43. March 4, 2011 letter from Peter L. Tourtellot, Renegade Tobacco Co. to Mary K. Engle.
44. March 14, 2011 letter from Mary K. Engle to Peter L. Tourtellot, Renegade Tobacco Co.
45. March 10, 2011 letter from Deborah Aguglia, Goodrich Tobacco Company, LLC to Linda Henry.
46. March 14, 2011 letter from Mary K. Engle to Deborah Aguglia, Goodrich Tobacco Company, LLC.
47. March 15, 2011 letter from Dongwon Lee, Global Trading, Inc. to Mary K. Engle.
48. March 21, 2011 letter from Mary K. Engle to Dongwon Lee, Global Trading, Inc.
49. March 17, 2011 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
50. March 29, 2011 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
51. March 29, 2011 letter from Claire Vernasco, Fresh Choice Tobacco Company to Mary K. Engle.
52. March 30, 2011 letter from Mary K. Engle to Claire Vernasco, Fresh Choice Tobacco Company.

# Winner Co.

763 Kasota Ave. SE. Minneapolis, MN 55414

Tuesday, November 09, 2010

Ms. Mary K. Engle  
Associate Director  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Re: Cigarette Health Warning Rotation Plan renewal.

Dear Ms. Engle:

Winner Company is submitting a renewal Cigarette Health Warning Plan (the "plan") most recently approved August 4 2009, as required under the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331, et seq. ("the Cigarette Act") but wishes at this time to change the names and packaging on some of its previously approved brand styles of the Winner brand. Below is a list of the current or new name of each of the brand styles that we will be manufacturing.

Prior Packaging Name:	Current Packaging Name:
Full Flavor King Box _____	Full Flavor King Box
Full Flavor 100's Box _____	Full Flavor 100's Box
Lights King Box _____	Blue King Box
Lights 100's Box _____	Blue 100's Box
Menthol Full Flavor King Box _____	Menthol Full Flavor King Box
Menthol Full Flavor 100's Box _____	Menthol Full Flavor 100's Box
Menthol Lights 100's Box _____	Menthol Gold 100's Box
Ultra Lights 100's Box _____	Silver 100's Box
Non Filter King Soft _____	Non Filter King Soft

The cigarettes covered by the proposed plan are "Winner" brand.

The company will cause to have manufactured nine brand styles of "Winner" cigarettes: full flavor king box, full flavor 100's box, blue king box (dark blue packaging), blue 100's box (dark blue packaging), menthol full flavor king box, menthol full flavor 100's box, menthol gold 100's box (light green packaging), silver 100's box

(light blue packaging) and non filter king soft. The contract Manufacturer for Winner Co is: Alternative Brands Inc.

All of the brand styles caused to be manufactured by the company under the plan qualify for the alternative to quarterly rotation set forth in 15 U.S.C. 1333(C)(2). The company caused to be manufactured during fiscal year 2009 less than [REDACTED] sticks of cigarettes of all brand styles, and anticipates that during the one year period covered by this renewal plan it will not cause to be manufactured more than [REDACTED] sticks of cigarettes of any one-brand style. We do not import cigarettes.

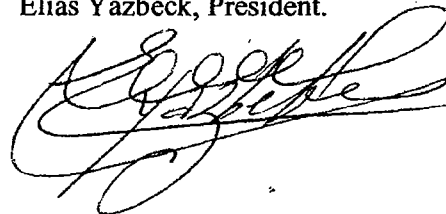
Under the alternative method for rotating the warnings on packaging, set forth in 15 U.S.C. 1333(c) (2)(c), the company assures that each of the four health warnings specified in 15 U.S.C. 1333(a)(1) will appear on the packaging, both packs and cartons, of each brand style an equal number of times for the one year period beginning on the date this plan is approved. The warnings will appear exactly as they appear on the sample packs and cartons submitted with our letter of August 13, 2010. Winner Co. will keep records demonstrating compliance with this undertaking. The four health warnings are printed in black lettering on white background.

All of the individual packs and cartons of cigarettes bear the statutorily mandated health warnings in a manner that complies with the Cigarette Act. All four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style the company is causing to be manufactured.

The company will not be advertising the cigarettes manufactured under this plan and therefore is not submitting a plan for the rotation of the health warnings in advertising. If we plan to advertise in the future we will submit a plan to the FTC prior to advertising.

The company will keep records to demonstrate compliance with this plan. These records will be maintained at 763 Kasota Avenue SE. Minneapolis Minnesota, and the person responsible for maintaining these records will be Elias Yazbeck.

Sincerely,  
Elias Yazbeck, President.

A handwritten signature in black ink, appearing to read 'Elias Yazbeck', written over a horizontal line.

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



SPECIAL FILTER

Winner

BLUE

SPECIAL FILTER

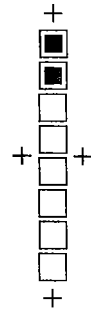


1 2 3 4 5 6 7 8 9 10 11 12 08 09 10 11 12 13 14

100's

Winner

BLUE  
100's BOX  
MADE IN USA



WN2006

BLUE

Winner

MADE IN USA  
BLUE  
100's BOX

Winner

100's

Distributed by:  
Winner Company, Inc.  
Minneapolis, MN 55414



FSC

8 30847 00009 9

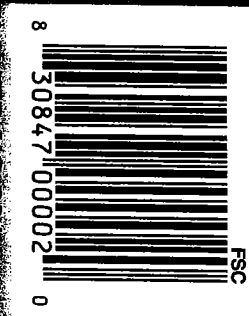
SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.

18

18



Winner



UNDERAGE  
SALE  
PROHIBITED

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



SPECIAL FILTER

Winner

FULL FLAVOR  
KINGS BOX

MADE IN USA

Distributed by:  
Winner Company Inc.  
Minneapolis, MN 55414

SPECIAL **Winner** FILTER



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

November 17, 2010

Mr. Elias Yazbeck  
President  
Winner Company  
763 Kasota Ave., SE  
Minneapolis, MN 55414

Dear Mr. Yazbeck:

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. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by the Winner Company ("Winner") on November 9, 2010, calling for the simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Winner brand of cigarettes.

Winner'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 August 13, 2010 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Winner's plan for display of the four health warnings on packaging of the Winner brand is hereby approved for the Non Filter King soft pack variety, and the following eight hard pack varieties: Full Flavor (King and 100's), Blue (King and 100's), Silver 100's, Menthol Full Flavor (King and 100's), and Menthol Gold 100's. This approval is effective on the date of this letter and ends on **November 16, 2011**.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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


Mr. Elias Yazbeck  
November 17, 2010  
Page 2

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

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

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1809  
Miami, Florida 33156

borenlaw@bellsouth.net

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-5221

December 7, 2010

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Sallie Schools

Replacement Packaging for the  
Surgeon General's Health Warning Equalization Plan  
for U.S. Flue-Cured Tobacco Growers, Inc.  
For Traffic Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, U.S. Flue-Cured Tobacco Growers, Inc. ("USFC"), a North Carolina corporation, with offices located at 250 Crown Blvd., Timberlake, N.C. 27583. The phone number is (919) 645-6007. USFC wishes to expand its plan to equalize the display of the health warning statements as required by 15 U.S.C. § 1333(c) by adding four (4) new brand styles and replacing five (5) existing brand styles with new brand styles to its previous Surgeon General's Health Warning Plan for cigarettes they are manufacturing in the United States under the brand name "Traffic." The contact person for the company will continue to be its Vice-President, E. Stephen Daniel, who can be reached at the above address and phone number.

USFC is seeking approval for the display of health warnings on the four (4) new brand styles and five (5) renamed brand styles of Traffic cigarettes. The plan for the original Traffic brand styles was approved by the FTC on July 28, 2010.

USFC is aware that the use of descriptions such as "Lights," "Menthol Lights" and "Ultra Lights" was banned by the FDA after June 21, 2010. Since June 21, 2010, USFC has manufactured no cigarettes using these descriptors.

Actual samples of the proposed packaging for the new Traffic brand styles (see below) showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons of the Traffic brand USFC will be manufacturing were enclosed with our November 9, 2010 submission, and show exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons of these brand styles that USFC will be manufacturing. USFC will display the four health warnings an equal number of times on the packs and cartons for each of the nine (9) new brand styles listed below for the Traffic brand for the one year period beginning on the date of approval of this expansion plan.

USFC will now replace the following five (5) brand styles approved by the FTC on July 28, 2010:

<u>Old Name</u>	<u>New Name</u>
Full Flavor King Size Box	Red King Size Box
Menthol King Size Box	Menthol Green King Size Box
Full Flavor 100's Box	Red 100's Box
Menthol 100's Box	Menthol Green 100's Box

The following is only a change in packaging; no name change:

Non-Filter King Size Soft Pack

**Additional Brand Styles To Be Added:**

Blue King Size Box  
Blue 100's Box  
Silver 100's Box  
Menthol Silver 100's Box

USFC manufactured approximately [REDACTED] cigarettes (all were Creston, Fact, Kick, Passport, Traffic, and 1839 brand cigarettes) in the fiscal year 2009. In fiscal year 2010 to date, it has manufactured approximately [REDACTED] cigarettes (all were Creston, Fact, Kick, Passport, Traffic and 1839 brand cigarettes). USFC anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Creston, Fact, Kick, Passport, Traffic and 1839) in fiscal year 2010.<sup>1</sup>

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<sup>1</sup> USFC's fiscal year coincides with the calendar year.

Ms. Mary Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission

Page 3  
December 7, 2010

All other provisions of the existing plans will remain in place. USCS will continue quarterly rotation of the four health warnings on advertising for the Traffic brand in accordance with its plan approved by the FTC on July 14, 2005 and will maintain records demonstrating compliance with its plans for advertising and packaging.

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/encs.

Selected packaging samples from those  
submitted with the plan.



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

# TRAFFIC

NON-FILTER  
20 CLASS A CIGARETTES

TRAFFIC  
NON-FILTER



# TRAFFIC

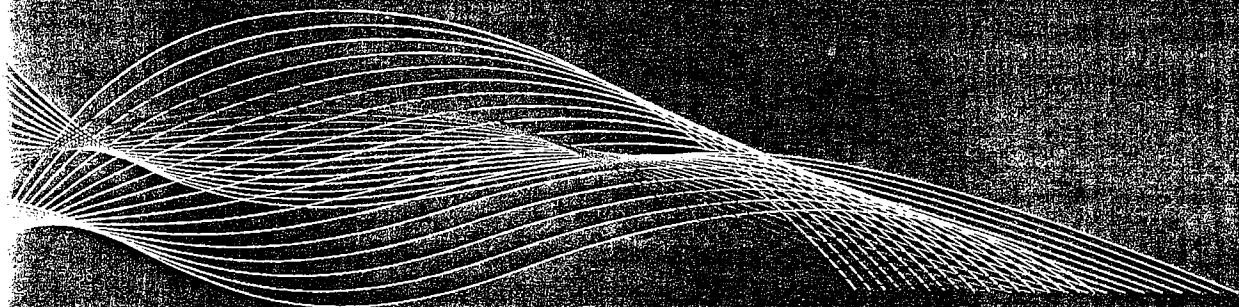
NON-FILTER  
20 CLASS A CIGARETTES

418-1050 - B





**RED 100 BOX**  
 200 CLASS A CIGARETTES



**TRAFFIC**



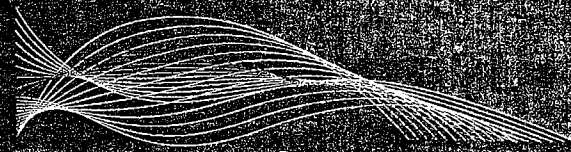
79982 00324 4

TP-NC-15000

U.S. Flue-Cured  
 Tobacco Growers, Inc.  
 Timberlake, NC 27583  
[www.go1839.com](http://www.go1839.com)

200 CLASS A CIGARETTES

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



**TRAFFIC**

UNDERAGE SALE PROHIBITED



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 3, 2011

Barry M. Boren, Esq.  
One Datan  
9100 South Dadeland Blvd, Suite 1809  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, U.S. Flue-Cured Tobacco Growers, Inc.'s ("USFC") July 21, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Creston, Fact, Kick, Passport, Traffic, Golden Deer, and 1839 brands of cigarettes was approved on July 28, 2010.

By letter dated December 7, 2010, you now propose to expand USFC's plan for display of the warnings on packaging to include four additional varieties of the Traffic brand.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated November 9, 2010 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, USFC's expansion of its plan for simultaneous display of the four health warnings on packaging for the following four varieties of the Traffic brand is hereby approved effective on the date of this letter through **January 2, 2012**: Blue Kings Box, Blue 100's Box, Silver 100's Box (medium blue packaging), and Menthol Silver 100's Box (medium green packaging).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You also propose in your December 7, 2010 letter to modify the packaging for the Non-Filter Kings Soft Pack variety of the Traffic brand, and to change the names and modify the packaging for the following varieties of the Traffic brand:

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

<u>Previous Name</u>	<u>New Name</u>
Traffic Full Flavor Kings Box	Traffic Red Kings Box
Traffic Full Flavor 100's Box	Traffic Red 100's Box
Traffic Menthol Kings Box	Traffic Menthol Green Kings Box
Traffic Menthol 100's Box	Traffic Menthol Green 100's Box

It appears that the health warnings on the modified packaging for the Non-Filter Kings Soft Pack variety and the renamed varieties of the Traffic brand submitted with your letter dated November 9, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. I wish to remind you that the Commission's July 28, 2010 approval of USFC's health warning statement rotation plan for packaging of these varieties of the Traffic brand runs through July 27, 2011 and that this letter does not extend that approval period.

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

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

If you have any questions regarding this letter, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director

# ALTERNATIVE BRANDS, INC.

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December 2, 2010

Ms. Mary K. Engle  
Associate Director  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

RE: Alternative Brands, Inc.–Bueno® Cigarette Labeling Rotation Pursuant to 15 U.S.C.  
§1333(c)(2)

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for approval of the plan of Alternative Brands, Inc. for the display of the health warnings on its Bueno® cigarette brand. Alternative Brands, Inc.'s address is 321 Farmington Road, Mocksville, NC 27028.

Peter L. Tourtellot, Trustee of Alternative Brands, Inc., confirms and warrants that he will cause Alternative Brands, Inc. to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly rotated for Bueno® cigarettes. Alternative Brands, Inc. will rotate the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of Bueno® cigarettes it manufactures during the twelve month period following approval of this application. Alternative Brands, Inc. will maintain records demonstrating compliance with this plan.

Alternative Brands, Inc. will manufacture Bueno® cigarettes under tobacco manufacturing license number NC-TP-631. Alternative Brands, Inc. currently owns only Bueno® and Rampage™ brands of cigarettes but does not manufacture Rampage™ cigarettes. Alternative Brands, Inc. does manufacture the Tucson®, Tracker®, and Barton® brands of cigarettes, owned by Renegade Tobacco Company, for Renegade Tobacco Company via a contract manufacturing agreement. Rampage™ was approved in March 2008, but manufacturing of the Rampage™ product never took place.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month label rotation cycle that Alternative Brands, Inc. requests if:

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of

321 Farmington Road  
Mocksville, North Carolina 27028  
Phone (336) 940-4818 Fax (336) 940-3669

# ALTERNATIVE BRANDS, INC.

the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year; and

(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

Alternative Brands, Inc.'s sales for Bueno® and Rampage™ brands for the fiscal year of 2008 and 2009 are as follows:

- [REDACTED] sticks of Bueno® brand cigarettes; and
- [REDACTED] sticks of Rampage™ brand cigarettes.

Alternative Brands, Inc.'s projected sales for Bueno® for fiscal year 2010 are as follows:

- [REDACTED] sticks of Bueno® brand cigarettes.

Based on its low sales volume, Alternative Brands, Inc. qualifies for the alternative to quarterly rotation of the four health warnings on packaging.

During 2010, Alternative Brands, Inc. plans to manufacture one brand styles of Bueno®:

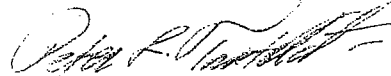
- (1) Full Flavor Kings – 84mm – Hard Pack Cigarettes.

The actual packs and cartons for each brand style of the Bueno® brand with each of the four warnings are submitted with this letter. The warnings will appear exactly as shown on these samples.

Alternative Brands, Inc. does not advertise Bueno® brand cigarettes nor does it intend to advertise. Before engaging in advertising, we will submit a plan to the Federal Trade Commission for the appropriate approvals.

Please let me know if you need any additional information.

Very truly yours,



Peter L. Tourtellot  
Trustee

Selected packaging samples from those  
submitted with the plan.

FULL FLAVOR



**BUENO**  
FULL FLAVOR



FULL FLAVOR

**BUENO**

BUENO TASTES GOOD

1 2 3 4 5 6 7 8 9 10 11 12 08 09 10 11 12 13 14

MADE IN USA

20 Class  
A-  
Cigarettes

Underage  
Sale  
Prohibited

FULL FLAVOR

**BUENO**



MADE IN USA

BUENO TASTES GOOD

**BUENO**

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

FSC



6 95181 00640 0

Distributed by:  
Renegade Tobacco Co.  
TP-631-NC  
Please Don't Litter

# BUENO

BUENO TASTES GOOD

MADE IN USA

FULL FLAVOR



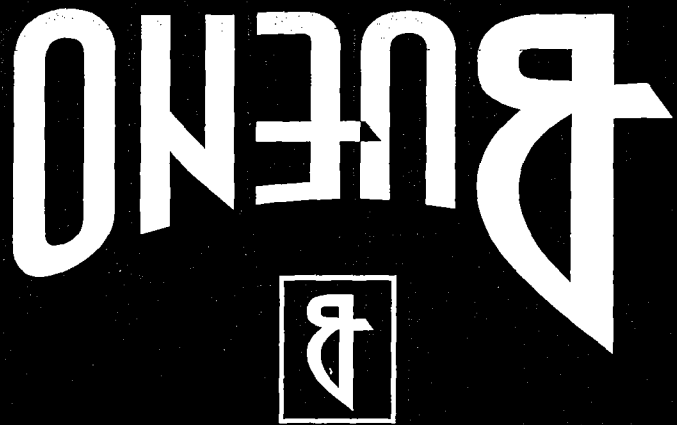
SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

Underage Sale Prohibited

FULL FLAVOR

MADE IN USA

BUENO TASTES GOOD







UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

January 4, 2011

Peter L. Tourtellot  
Alternative Brands, Inc.  
321 Farmington Road  
Mocksville, NC 27028

Dear Mr. Tourtellot:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Alternative Brands, Inc. on December 2, 2010, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for one variety of the Bueno brand of cigarettes.

Alternative Brands' 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 December 2, 2010 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Alternative Brands' plan for simultaneous display of the four health warnings on packaging for the Full Flavor Kings Hard Pack variety of the Bueno brand is hereby approved effective on the date of this letter through **January 3, 2012**.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

Please note that this letter only approves Alternative Brands' cigarette health warning statement rotation plan for the specified cigarettes with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco

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

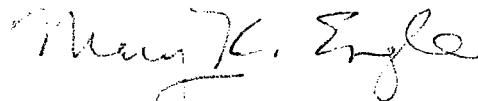
Peter L. Tourtellot  
January 4, 2011  
Page 2

Control Act ("FSPTCA") concerning the rotation, size and conspicuousness of the warnings on packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Alternative Brands' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Alternative Brands' packaging plan under the FSPTCA or any regulations that might be promulgated by the Department of Health and Human Services under that statute.

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

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle  
Associate Director

# AMVATRADE Corp.

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159-10 Sanford Avenue, Suite 4D • Flushing, NY 11358 • Tel 917.607.0008 • Email: valumyan@earthlink.net

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October 25, 2010

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

**Re: Proposed Plan for Health Warning Labels on Cigarettes and Advertising for Cigarettes**

Dear Ms. Engle:

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

1. **Treasurer Black**, 90 mm long, aluminum tin packs and paper cartons

Pursuant to Section 1333(c)(2) AMVATRADE Corp. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand style of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. AMVATRADE Corp. also has an FTC approval to display warnings on **Treasurer Gold** and **Treasurer Silver** brand style of cigarettes. AMVATRADE Corp.'s total sales of cigarettes in the United States for the 2008 fiscal year was [REDACTED] of cigarettes. AMVATRADE Corp.'s total sales of cigarettes in the United States for the 2009 fiscal year was [REDACTED] of cigarettes. We anticipate our total sales of Treasurer brand of cigarettes for the 2010 fiscal year will be [REDACTED] of cigarettes. AMVATRADE Corp. does not intend to manufacture or import any other brands of cigarettes at this time.

In order to ensure proper implementation of this plan, during each import the four health warning statements will be displayed an equal number of times on the packs and cartons of the aforementioned brand style of Treasurer brand of cigarettes for the one year period beginning on the date of approval of this plan.

We will keep records demonstrating compliance with this plan.

AMVATRADE Corp. will display the four health warning statements on the aforementioned **Treasurer Black** brand style. The four health warning statements that will appear on the packs and cartons are as follows:

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

AMVATRADE Corp. also seeks approval of its plan to display health warning statements on advertisements for cigarettes. AMVATRADE Corp. will use the warning statement formats that were submitted in the 1985 Plan of the 5 leading US manufacturers and we will place the warnings as specified in that plan.

The health warnings will be rotated quarterly in advertising according to the Schedule set out below.

Schedule for Quarterly Rotation in Advertising

	Treasurer Brand
1 <sup>st</sup> Quarter (Jan. – Mar.)	A
2 <sup>nd</sup> Quarter (Apr. - June)	B
3 <sup>rd</sup> Quarter (July – Sept.)	C
4 <sup>th</sup> Quarter (Oct. – Dec. )	D

Copies of the health warning statement formats that we will be using are attached as Exhibits 1 through 7. The size of our advertisements shall not exceed 10 ft<sup>2</sup> in area.

AMVATRADE Corp. does not intend to advertise on the internet at this time and if we decide to advertise in the future we will file an advertising plan with the FTC prior to advertising.

Actual package and carton samples of the aforementioned Treasurer brand style of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated July, 30 2010.

Cordially,



Vardan Alumyan  
President, AMVATRADE Corp.

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



TREASURER  
LONDON

*Black*

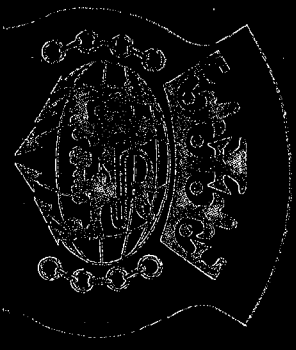
UNDERAGE  
SALE  
PROHIBITED

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

TREASURER

LONDON

*Black*



TREASURER

LONDON

*Black*

200 GRAND CIGARETTES

UNDERAGE  
SALE  
PROHIBITED



TREASURER

LONDON

*Black*

Expensive Taste





TREASURER

LONDON

*Black*

A mark of grandeur, signifying superlative taste and absolute exclusivity.



TREASURER

LONDON

*Black*

Expensive Taste

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

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

January 11, 2011

Mr. Vardan Alumyan  
President  
AMVATRADE Corp.  
159-10 Sanford Avenue, Suite 4D  
Flushing, NY 11358

Dear Mr. Alumyan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, AMVATRADE Corp.'s ("AMVATRADE") May 20, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two varieties of the Treasurer brand of cigarettes was approved on June 1, 2010.

By letter dated October 25, 2010, you now propose to expand your plan for display of the warnings on packaging to include one additional variety of the Treasurer brand of cigarettes. You also propose a plan for quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Treasurer brand.

AMVATRADE's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated July 30, 2010 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, AMVATRADE's expansion of its plan for simultaneous display of the four health warnings on packaging for the 90 mm Black variety of the Treasurer brand in aluminum packs and paper cartons is hereby approved effective on the date of this letter through **January 10, 2012**. Approval of the plan expansion is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

AMVATRADE's plan for rotation of the warnings in advertising up to ten square feet in size for the Treasurer brand is also approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

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

Mr. Vardan Alumyan  
January 11, 2011  
Page 2

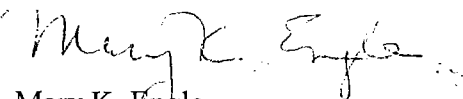
Please note that this letter only approves AMVATRADE's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the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

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director



**King Mountain Tobacco Company Inc.**

**P. O. Box 422**

**White Swan, Washington 98952**

**Phone: (509) 874-9935 Fax: (509) 874-3690**

January 7, 2011

Ms. Mary K. Engle  
Associate Director  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

**RE: King Mountain Tobacco Company, Inc. – King Mountain Cigarette Labeling Rotation  
Renewal Pursuant to 15 U.S.C. §1333(c)(2)**

Dear Ms. Engle:

King Mountain Tobacco Company, Inc., is a manufacturer of tobacco products located at 2000 Fort Simcoe Road, White Swan, Washington 98952. Delbert Lauren Wheeler, Sr. is the President of King Mountain Tobacco Company, Inc.

This is an application pursuant to 15 U.S.C. §1333(c)(2) for annual approval of the plan of King Mountain Tobacco Company Inc., for the display of the four health warnings on packaging for its King Mountain cigarette brand. Your Office last approved King Mountain's plan for the display of the health warnings on the packaging of King Mountain cigarettes on April 12<sup>th</sup>, 2010 and there have been changes in packaging since that time. The statutory warnings appear exactly as shown on the samples provided to you on December 3rd, 2010.

King Mountain Tobacco Company, Inc., ("KMT") confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) will appear an equal number of times on the packs and cartons of each brand style of King Mountain cigarettes it manufactures during the twelve month period following approval of this application. Sales of King Mountain did not exceed one-fourth of one percent of cigarettes manufactured in the United States during calendar year 2009. KMT's fiscal year is the calendar year.

KMT manufactures King Mountain cigarettes under tobacco manufacturing license number TP-WA- 15000. King Mountain is the only brand of cigarettes KMT manufactures.

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

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and

(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean:

a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8).

KMT plans to manufacture the following styles of King Mountain:

Red Kings (hard pack)  
Red 100's (hard pack)  
Gold Kings (hard pack)  
Gold 100's (hard pack)  
Blue 100's (hard pack)  
Menthol Kings (hard pack)  
Menthol 100's (hard pack)  
Blue Kings (hard pack)  
Menthol Gold Kings (hard pack)  
Menthol Gold 100's (hard pack)

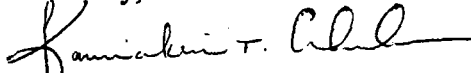
King Mountain is aware of the recent FDA regulations banning the use of modifiers like "Light" and "Ultra Light". In order to comply with these regulations King Mountain has substituted the modifiers as follows:

Full Flavor	Red
Light	Gold
Ultra Light	Blue
Menthol Light	Menthol Gold

During 2009 KMT sold a total of [REDACTED] sticks of the King Mountain brand. King Mountain Full Flavor 100's was the highest selling style with [REDACTED] sticks. This amount is clearly "less than one-fourth of 1 percent of all the cigarettes sold in the United States in" 2009, as required by 15 U.S.C. §1333(c)(2)(A)(i). Estimated 2010 sales are [REDACTED] sticks, with King Mountain Full Flavor 100's selling approximately [REDACTED] sticks. KMT has received approval for our advertising plan on June 25<sup>th</sup>, 2009 and there have been no changes in our advertising plan since that time.

If you need additional information please contact Chris Stanley at 336-293-4388.

Sincerely,



Kamiakin Wheeler  
Vice President

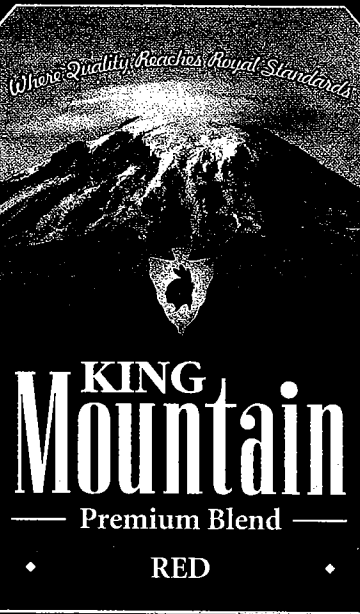
Selected packaging samples from those  
submitted with the plan.

20  
CLASS A  
CIGARETTES

MADE  
IN THE  
USA

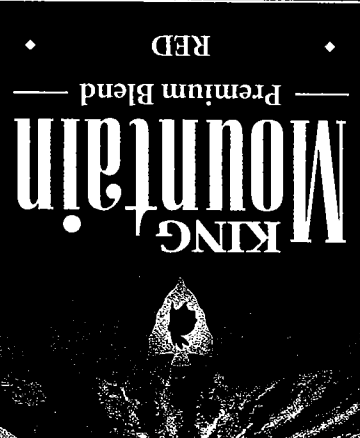
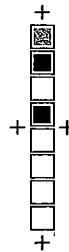


2



W-N-D

0 1 2 3 4 5 6 7 8 9  
10 11 12



KING  
Mountain  
TOBACCO INC.  
WHITE SWAN, WA 98952

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

# KING MOUNTAIN

FILTERED  
CIGARETTES

200  
CLASS A  
CIGARETTES



MADE IN  
THE USA

200  
CLASS A  
CIGARETTES  
Premium Blend

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

UNDERAGE  
SALE  
PROHIBITED

KING  
Mountain  
Premium Blend



KING MOUNTAIN  
TOBACCO INC.  
WHITE SWAN, VA 28085





Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 20, 2011

Kamiakin Wheeler  
Vice President  
King Mountain Tobacco Company, Inc.  
P.O. Box 422  
White Swan, WA 98952

Dear Mr. Wheeler:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. ("KMTC") on January 7, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the King Mountain brand of cigarettes.

KMTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on December 3, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, KMTC's plan for simultaneous display of the four health warnings on packaging for the following ten hard pack varieties of the King Mountain brand is hereby approved effective on the date of this letter through **January 19, 2012**: Red Kings, Red 100's, Gold Kings, Gold 100's, Blue Kings, Blue 100's, Menthol Kings, Menthol 100's, Menthol Gold Kings, 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.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

Kamiakin Wheeler  
January 20, 2011  
Page 2

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

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director



## Vector Tobacco Inc.

Victoria Spier Evans  
Corporate Counsel

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

January 6, 2011

**BY FEDEX**


Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Room NJ 3212  
Washington, DC 20001  
Attention: Mark de los Santos

Re: Application to Add Eleven EAGLE 20's Brand Styles  
Vector Tobacco Inc.'s Label Statement Rotation Plan

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby applies to add the following EAGLE 20's cigarette brand styles: Non-Filter Kings Box, Red Kings Box, Red 100s Box, Blue Kings Box, Blue 100s Box, Orange Kings Box, Orange 100s Box, Menthol Gold Kings Box, Menthol Gold 100s Box, Menthol Silver Kings Box, and Menthol Silver 100s Box (the "eleven EAGLE 20's brand styles") to its Label Statement Rotation Plan (the "Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (the "Act"). Vector Tobacco is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with the Plan approved by the Federal Trade Commission (FTC) by letter dated June 7, 2010. This application is for a one-year period beginning on the date of the approval of this Plan.

Enclosed with this letter is an affidavit of Francis G. Wall, Vice President - Finance, with Exhibits A and B, which set forth information on total U.S. and Vector Tobacco cigarette sales in calendar year 2010. This information shows that the unit sales volume of each Vector Tobacco brand style in its 2010 fiscal year, which ended December 31, 2010, was less than one-fourth of one percent of total U.S. cigarette sales. Also shown on Exhibit B is the estimated sales volume of each Vector Tobacco brand style in its 2011 fiscal year, which will end December 31, 2011. Vector Tobacco expects to sell approximately [REDACTED] cigarettes of the entire EAGLE 20's brand in 2011 including the eleven EAGLE 20's brand styles listed on page 2.

<u>Brand and Brand Style</u>	<u>Estimated 2011 Units</u>
EAGLE 20's Non-Filter Kings Box	
EAGLE 20's Red Kings Box	
EAGLE 20's Red 100s Box	
EAGLE 20's Blue Kings Box	
EAGLE 20's Blue 100s Box	
EAGLE 20's Orange Kings Box	
EAGLE 20's Orange 100s Box	
EAGLE 20's Menthol Gold Kings Box	
EAGLE 20's Menthol Gold 100s Box	
EAGLE 20's Menthol Silver Kings Box	
EAGLE 20's Menthol Silver 100s Box	

There were no sales of the eleven EAGLE 20's brand styles listed above in 2010. Accordingly, pursuant to the Act and the Plan, the eleven EAGLE 20's brand styles qualify for simultaneous rotation of the four warnings required by the Act.

Enclosed with my letter are one sample pack and carton for the eleven EAGLE 20's brand styles displaying each of the four health warnings required by the Act. The warnings will appear exactly as shown on the samples provided with my letter. The four health warnings required by 15 U.S.C. § 1333(a)(1) shall be printed on the packs and cartons of the eleven EAGLE 20's brand styles an equal number of times within the one-year period beginning on the date of approval of this Plan. This will also confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

The information contained in the affidavit and exhibits is confidential and proprietary business information of Vector Tobacco. Vector Tobacco requests that this information be kept confidential by the FTC, pursuant to applicable rules and procedures.

Thank you for your attention to this matter. If you have any questions, please let me know.

Very truly yours,



Victoria Spier Evans

VECTOR TOBACCO INC.  
 APPLICATION TO ADD ELEVEN EAGLE 20'S BRAND STYLES  
 DATED JANUARY 6, 2011

<b>EXHIBIT B</b>			
<b>2010 AND ESTIMATED 2011 SALES VOLUME</b>			
<b>CIGARETTE BRANDS</b>	<b>CIGARETTE BRAND STYLES</b>	<b>2010 UNITS</b>	<b>ESTIMATED 2011 UNITS</b>
<b>EAGLE 20'S</b>	Non-Filter Kings Soft Pack		
	Full Flavor Kings Soft Pack		
	Full Flavor Kings Box		
	Full Flavor 100's Soft Pack		
	Full Flavor 100's Box		
	King Light Soft Pack		
	Lights 100's Soft Pack		
	Lights 100's Box		
	Ultra Lights 100's Soft Pack		
	Menthol Full Flavor Kings Soft Pack		
	Menthol Full Flavor 100's Soft Pack		
	Menthol Lights 100's Soft Pack		
	King Gold Soft Pack		
	Gold 100's Soft Pack		
	Gold 100's Box		
	Blue 100's Soft Pack		
	Menthol Silver 100's Soft Pack		
	Non-Filter Kings Box		
	Red Kings Box		
	Red 100s Box		
Blue Kings Box			
Blue 100s Box			
Orange Kings Box			
Orange 100s Box			
Menthol Gold Kings Box			
Menthol Gold 100s Box			
Menthol Silver Kings Box			
Menthol Silver 100s Box			
<b>MERIDIAN</b>	Non-Filter Kings Soft Pack		
	Filter (Full Flavor) Kings Soft Pack		
	Filter (Full Flavor) Kings Box		
	Filter (Full Flavor) 100's Soft Pack		
	Lights Kings Soft Pack		
	Lights Kings Box		
	Lights 100's Soft Pack		
	Ultra Lights Kings Soft Pack		
	Ultra Lights 100's Soft Pack		
	Menthol (Full Flavor) Kings Soft Pack		
	Menthol Lights Kings Soft Pack		
Menthol Lights 100's Soft Pack			
<b>QUEST</b>	Lights Kings Box (1)		
	Lights Kings Box (2)		
	Lights Kings Box (3)		
<b>SILVER EAGLE</b>	Non-Filter Kings Soft Pack		
	Full Flavor Kings Soft Pack		
	Full Flavor Kings Box		

VECTOR TOBACCO INC.  
 APPLICATION TO ADD ELEVEN EAGLE 20'S BRAND STYLES  
 DATED JANUARY 6, 2011

<b>EXHIBIT B</b>			
<b>2010 AND ESTIMATED 2011 SALES VOLUME</b>			
<b>CIGARETTE BRANDS</b>	<b>CIGARETTE BRAND STYLES</b>	<b>2010 UNITS</b>	<b>ESTIMATED 2011 UNITS</b>
<b>SILVER EAGLE (Continued)</b>	Full Flavor 100's Soft Pack		
	Full Flavor 100's Box		
	Lights Kings Soft Pack		
	Lights Kings Box		
	Lights 100's Soft Pack		
	Lights 100's Box		
	Ultra Lights 100's Soft Pack		
	Ultra Lights 100's Box		
	Menthol Full Flavor Kings Box		
	Menthol Full Flavor 100's Soft Pack		
	Menthol Lights Kings Box		
	Menthol Lights 100's Soft Pack		
	Ultra Lights Slims 120's Box		
	Menthol Lights Slims 120's Box		
	Gold Kings Soft Pack		
	Gold Kings Box		
	Gold 100's Soft Pack		
	Gold 100's Box		
	Blue 100's Soft Pack		
	Blue 100's Box		
Menthol Kings Box			
Menthol 100's Soft Pack			
Blue Slims 120's			
Menthol Slims 120's			
<b>USA</b>	Kings (Full Flavor) Soft Pack		
	Kings (Full Flavor) Box		
	100's (Full Flavor) Soft Pack		
	100's (Full Flavor) Box		
	Lights Kings Soft Pack		
	Lights Kings Box		
	Lights 100's Soft Pack		
	Lights 100's Box		
	Ultra Lights 100's Soft Pack		
	Menthol Kings (Full Flavor) Box		
	Menthol 100's (Full Flavor) Soft Pack		
	Menthol Lights Kings Box		
	Menthol Lights 100's Soft Pack		
	Blue Kings Soft Pack		
	Blue Kings Box		
	Blue 100's Soft Pack		
	Blue 100's Box		
	Silver 100's Soft Pack		
Menthol Silver Kings Box			
Menthol Silver 100's Soft Pack			

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



20

20

**Eagle 20's**  
MENTHOL SILVER

**Eagle 20's**  
MENTHOL  
SILVER

KINGS

MENTHOL SILVER

**Eagle 20's**

KINGS

MENTHOL  
SILVER

**Eagle 20's**



415-2854  
MVA



**WARNING:**  
SMOKING IS ADDICTIVE  
Made under authority of  
MEDICAL DEVICE AND  
THERAPEUTIC PRODUCTS  
ACT, 21 U.S.C. 382, 383  
MADE IN U.S.A.

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



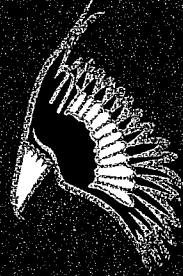
# Eagle 20's



ORANGE 100s BOX



# Eagle 20's



ORANGE 100s BOX

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



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

January 24, 2011

Ms. Victoria Spier Evans  
Vector Tobacco Inc.  
3800 Paramount Parkway  
Suite 250  
P.O. Box 2010  
Morrisville, NC 27560

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, Vector Tobacco Inc.'s ("Vector") May 26, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Eagle 20's, Silver Eagle, and USA brands of cigarettes was approved on June 7, 2010.

By letter dated January 6, 2011, you now propose to expand Vector's plan for display of the warnings on packaging to include eleven additional varieties of the Eagle 20's brand.

Vector's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons for the Eagle 20's brand submitted with your letter dated January 6, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Vector's expansion of its plan for simultaneous display of the four health warnings on packaging for the following eleven varieties of the Eagle 20's brand is hereby approved effective on the date of this letter through **January 23, 2012**: Non-Filter Kings Box, Red Kings Box, Red 100s Box, Blue Kings Box, Blue 100s Box, Orange Kings Box, Orange 100s Box, Menthol Gold Kings Box, Menthol Gold 100s Box, Menthol Silver Kings Box, and Menthol Silver 100s Box.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that

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

Ms. Victoria Spier Evans  
January 24, 2011  
Page 2

any person who violates its provisions is guilty of a misdemeanor.


I wish to remind you that the Commission's June 7, 2010 approval of Vector's cigarette health warning statement rotation plan for packaging of certain varieties of its brands runs through **June 6, 2011** and that this letter does not extend that approval period.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers. Moreover, the FSPTCA's "modified risk tobacco provisions" address the use of descriptors such as "light." You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1809  
Miami, Florida 33156

borenlaw@bellsouth.net

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-5221

January 25, 2011

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Clovia Hutchins

Renewal of  
Surgeon General's Health Warning Equalization Plan  
for Canadian Agricultural Depot, LLC  
for Seneca Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, Canadian Agricultural Depot, LLC ("CAD"), a Florida limited liability company, with offices located at 187 N.W. 57<sup>th</sup> Ave., Ste. 8, Miami, Florida 33126. CAD wishes to renew its existing plan to equalize the display of the warnings on packaging as required by 15 U.S.C. § 1333(c) for cigarettes they are importing into the United States under the brand name "Seneca". In addition, CAD is submitting replacement packaging for its Extra Smooth Menthol 100's hard pack style.<sup>1</sup> The contact person for the company will continue to be its President, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305.

The brand styles of Seneca cigarettes CAD is importing are listed on Exhibit "A." The FTC requested a change in packaging for one brand style (Seneca Extra Smooth Menthol 100's hard pack). Revised samples for the Extra Smooth Menthol 100's hard pack brand style were submitted with our December 1, 2010 letter. The warnings for this brand style will appear exactly as shown on these revised samples.

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<sup>1</sup> This plan was approved by the FTC on July 29, 2010 and expires January 28, 2011.

The warnings on the packs and cartons for the remainder of the styles of Seneca cigarettes listed on Exhibit "A" appear on individual packs and cartons and will continue to appear exactly as shown on the samples submitted with our letter of June 15, 2010.

In fiscal year 2010, CAD imported approximately [REDACTED] Seneca brand cigarettes. In fiscal year 2011<sup>2</sup> to date, CAD has imported approximately [REDACTED] Seneca brand cigarettes. In fiscal year 2011, CAD anticipates importing approximately [REDACTED] cigarettes of all its brand styles (all will be Seneca brand cigarettes).

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

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

The individual packs of Seneca cigarettes to be imported by CAD will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. CAD will keep a running total of the number of cartons and packs it imports with each warning label for each brand style.

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

CAD will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut, each shipment should be approximately equalized for each brand style as imported. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, CAD will place special orders for packaging with

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<sup>2</sup> CAD's fiscal year coincides with the calendar year.

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.

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. CAD will comply with the plan by taking reasonable steps to: (1) provide by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) prevent the recurrence of any mistakes, errors, or omissions that come to its attention.

No provision of this plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, any State Government, or any instrumentality thereof.

CAD also has an advertising rotation plan in place for its Seneca cigarettes. It is in compliance with this plan and wishes to make no changes to its advertising plan at this time.

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

All other provisions of the existing plan will remain in place. Should you have any further questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/encs.

**CANADIAN AGRICULTURAL DEPOT, LLC**  
**SENECA CIGARETTES**  
**EXHIBIT "A"**

**Brand Styles**

Full Flavor King Size Hard Pack  
Blue King Size Hard Pack  
Silver King size Hard Pack  
Menthol King Size Hard Pack  
Smooth Menthol King Size Hard Pack  
Non-filter Full Flavor King Size Hard Pack

Full Flavor 100's Hard Pack  
Blue 100's Hard Pack  
Silver 100's Hard Pack  
Menthol 100's Hard Pack  
Smooth Menthol 100's Hard Pack  
Extra Smooth Menthol 100's Hard Pack

Full Flavor 120's Hard Pack  
Smooth 120's Hard Pack  
Ultra 120's Hard Pack  
Menthol 120's Hard Pack  
Smooth Menthol 120's Hard Pack

Selected packaging samples from those  
submitted with the plan.



EXTRA SMOOTH MENTHOL  
100'S

20 CLASS  
A  
CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

PREMIUM

SENECA

EXTRA SMOOTH MENTHOL  
100'S

PREMIUM



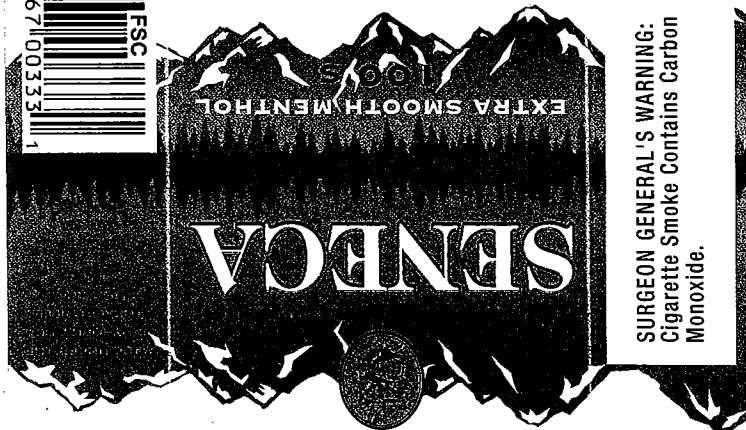
F2-100F-SE-MES - BL

EXTRA SMOOTH MENTHOL  
100'S



SENECA

16



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

10 HARD PACKS

PREMIUM

UNDERAGE SALE PROHIBITED



# SENECA

EXTRA SMOOTH MENTHOL  
100'S

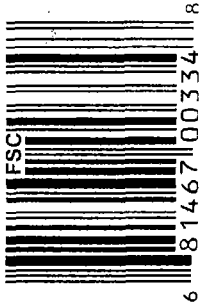
# SENECA

EXTRA SMOOTH MENTHOL  
100'S

NOT AFFILIATED WITH THE  
SENECA NATION OF INDIANS

MADE UNDER THE AUTHORITY OF  
TOBACCOVILLE, USA, INC.  
USA  
MADE IN CANADA

54-TL-25



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

100'S  
EXTRA SMOOTH MENTHOL  
SENECA



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 25, 2011

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1809  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Canadian Agricultural Depot, LLC ("CAD") on January 25, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca brand of cigarettes.

CAD's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated June 15, 2010 and December 1, 2010 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, CAD's plan for simultaneous display of the four health warnings on packaging for the following seventeen hard pack varieties of the Seneca brand is hereby approved effective on the date of this letter through **January 24, 2012**:

- Full Flavor (Kings, 100's, and 120's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol (Kings, 100's, and 120's), Smooth 120's, Smooth Menthol (Kings, 100's, and 120's), Ultra 120's, Extra Smooth Menthol 100's, and Non-Filter Full Flavor Kings.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

Barry M. Boren, Esq.  
January 25, 2011  
Page 2

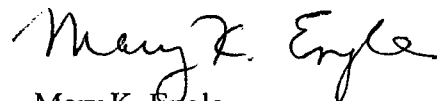
the rotation, size, and conspicuousness of the warnings on CAD's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for CAD's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of CAD's packaging and advertising plans under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1809  
Miami, Florida 33156

borenlaw@bellsouth.net

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-5221

January 4, 2011

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Mr. Will Ducklow

Replacement Packaging for the  
Surgeon General's Health Warning Rotation Plan  
for MC Enterprise LLC ("MC") for WL Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, MC Enterprise LLC ("MC"), a Florida corporation, with offices located at 2801 N.W. 74<sup>th</sup> Ave., #215, Miami, Florida 33122 and the phone number is (305) 471-4847. MC wishes to amend its existing Surgeon General's Health Warning Plan for cigarettes they are importing into the United States under the brand name "WL." The contact person for the company will continue to be its Manager, David Rangel, who can be reached at the above address and phone number.

MC is changing its available WL brand styles, since the manufacture of cigarettes for sale in the U.S. using descriptions such as "Lights," "Menthol Lights" and "Ultra Lights" was banned by the FDA after June 21, 2010 and no cigarettes using these descriptors could be imported after July 21, 2010. Since July 21, 2010, MC has imported no cigarettes using these descriptors.

As a result of these changes, MC intends to discontinue the importation of the following brand styles:

**WL Cigarettes:** Lights King Size Soft Pack, Menthol Lights King Size Soft Pack, Ultra Lights 100's Soft Pack and Menthol Lights 100's Soft Pack.

The following brand styles of WL Cigarettes will remain part of the plan: Full Flavor King Size Soft Pack, Menthol King Size Soft Pack, Menthol 100's Soft Pack and Non-Filter King Size Soft Pack and the packaging will remain unchanged from the samples provided December 18, 2006. The following brand styles for WL cigarettes will be replaced: Red 100's Soft Pack will replace the Full Flavor 100's Soft Pack and the Blue 100's Soft Pack will replace the Lights 100's Soft Pack.

In addition, MC wishes to add the Red King Size Box, Blue King Size Box and Menthol King Size Box brand styles to its existing Surgeon General's health warning rotation plan.

Actual samples of the new WL brand styles (listed on Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons of the WL brand styles MC will be importing were enclosed with our letter of September 16, 2010. New samples of the packs, with enlarged print on the warnings and the "Underage Sale" warning moved, are enclosed.

All other provisions of the existing plan will remain in place. MC will continue quarterly rotation of the four health warnings on packaging for the WL brand in accordance with its plan dated January 8, 2007 and approved January 22, 2007. Attached hereto as Exhibit "B" is a chart showing how the health warning rotations for each brand to be imported by MC will be scheduled.

MC does not advertise the WL brand of cigarettes at this time. If this should change, we will notify the FTC and modify our plan accordingly.

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BBM:mw/encs.

**EXHIBIT 'A' LIST OF CIGARETTE BRAND STYLES**  
**MC ENTERPRISE, LLC**

**WL CIGARETTES**

**Brand Styles that remain unchanged:**

Full Flavor King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol 100's Soft Pack  
Non-Filter King Size Soft Pack

**Replacement Brand Styles:**

**Old Name**

**New Name**

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack

Red 100's Soft Pack  
Blue 100's Soft Pack

**Additional Brand Styles to be Added:**

Red King Size Box  
Blue King Size Box  
Menthol King Size Box

**EXHIBIT " B"**  
**MC ENTERPRISE, LLC**  
**CHART OF HEALTH WARNINGS**  
**FOR PACKAGING**

Brand Name	Quarter One Jan. 1 <sup>st</sup> to March 31 <sup>st</sup>	Quarter Two April 1 <sup>st</sup> to June 30 <sup>th</sup>	Quarter Three July 1 <sup>st</sup> to Sept. 30 <sup>th</sup>	Quarter Four Oct. 1 <sup>st</sup> to Dec. 31 <sup>st</sup>
One	A	D	B	C
D'Best One	C	A	D	B
WL	D	B	C	A

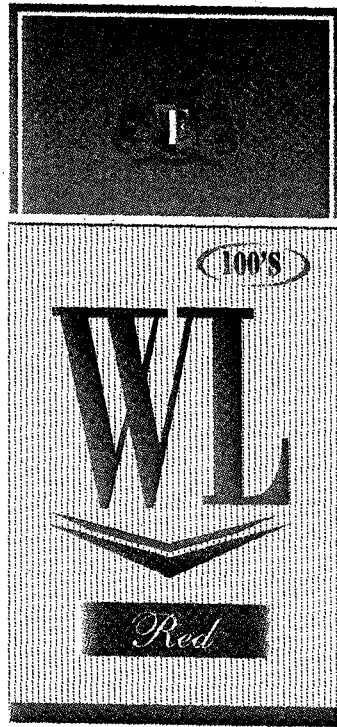
- A = SURGEON GENERAL'S WARNING:  
Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
- B = SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- C = SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease,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



Selected packaging samples from those  
submitted with the plan.



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



FSC



100'S **WL** 100'S  
*Red*

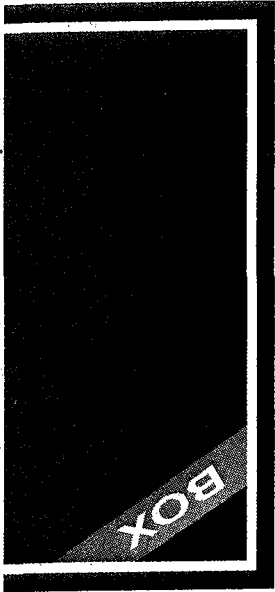
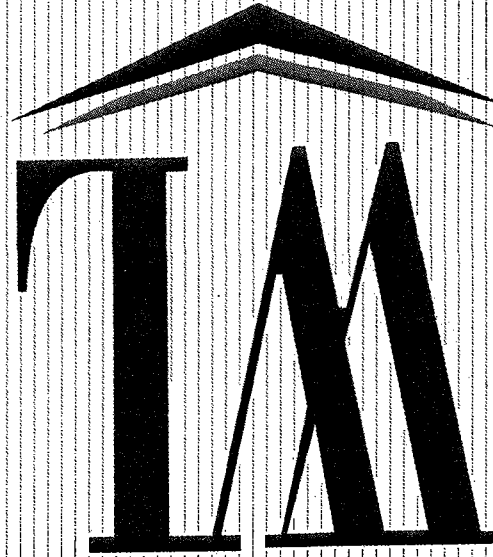
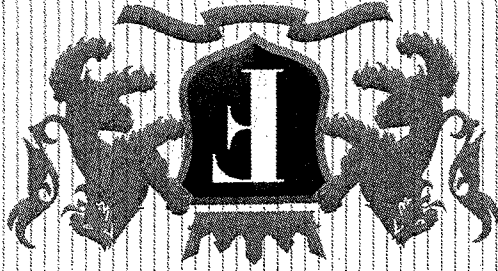
UNDERAGE  
SALE  
PROHIBITED

200 CLASS A CIGARETTES

*Menthol*



*Menthol*



CNPJ 02421127/0001-00



FSC



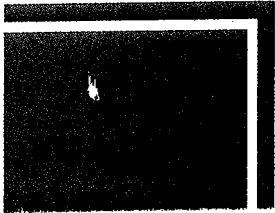
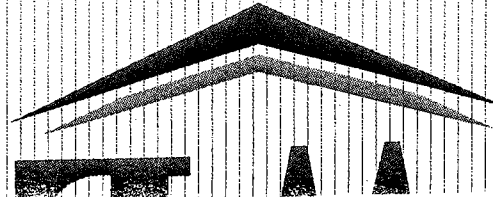
**SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly Reduces  
Serious Risks to Your Health.**

*Menthol*

**MADE UNDER  
AUTHORITY OF  
THE TRADEMARK  
OWNER**

**MADE IN BRAZIL**

*Menthol*





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

February 2, 2011

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Blvd, Suite 1809  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, MC Enterprise LLC's ("MC Enterprise") January 8, 2007 plan for quarterly rotation of the four health warnings on packaging for certain varieties of the WL brand of cigarettes was approved on January 22, 2007.

By letter dated January 4, 2011, you now propose to expand MC Enterprise's plan for display of the warnings on packaging to include three additional varieties of the WL brand.

The warnings on the sample cartons submitted with your letter dated September 16, 2010 and on the revised sample packs submitted with your letter dated January 4, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, MC Enterprise's expansion of its plan for quarterly rotation of the four health warnings on packaging for the following three varieties of the WL brand is hereby approved: Red King Box, Blue King Box, and Menthol King Box.

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

You also propose in your January 4, 2011 letter to change the names and modify the packaging for the following varieties of the WL brand:

---

<sup>1</sup> Although the warnings on the sample packs submitted on September 16, 2010 were not sufficiently conspicuous, corrected samples were submitted on January 4, 2011. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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

Barry M. Boren, Esq.  
February 2, 2011  
Page 2

Previous Name

New Name

WL Full Flavor 100's Soft Pack  
WL Lights 100's Soft Pack

WL Red 100's Soft Pack  
WL Blue 100's Soft Pack

It appears that the health warnings on the modified cartons for the renamed varieties of the WL brand submitted with your letter dated September 16, 2010, and on the modified packs submitted with your letter dated January 4, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>3</sup>

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

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

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

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

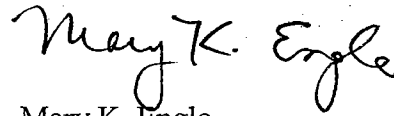
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<sup>3</sup> As noted above, although the warnings on the sample packs submitted with your letter dated September 16, 2010 were not sufficiently conspicuous, corrected samples were submitted on January 4, 2011.

Barry M. Boren, Esq.  
February 2, 2011  
Page 3

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

Very truly yours,

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

Mary K. Engle  
Associate Director



1041 W State Route 108  
Shelton, Washington 98584

February 8, 2011

Ms. Mary K. Engle  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Ave NW  
NJ-3212  
Washington, DC 20580

*Via Facsimile and U.S. Mail*

Dear Ms. Engle:

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.

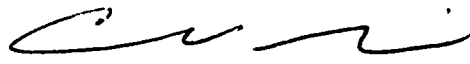
Skookum Creek Tobacco Company currently produces three brands of cigarettes, "Complete," "Premis," and "Traditions" The Company requests the addition of seven new brand styles of "Traditions" cigarettes to its existing rotation plan, as approved June 15, 2010. The seven new brand styles are identified as such in Exhibit A, below. Sample packaging for the proposed brand styles were included with my January 12, 2011 letter. Warnings will appear exactly as shown on these samples. These brand styles are distinct from the existing brand styles in that they are offered without additive free tobacco. A comprehensive list of brand families and brand styles is attached as Exhibit A to this letter.

Skookum Creek Tobacco Company predicts that sales for the next one year period for all of its brand styles will not exceed the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of sales figures and estimates for all brand styles is attached as Exhibit B to this letter. 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. Please note additionally that Pow Wow Blend Box 100s and Kings Box brand styles of the Traditions brand as previously approved are not in production and thus the FY 2010 and projected FY 2011 sales are [REDACTED] for each. Warnings for existing brand styles will appear exactly as shown on the sample packaging previously submitted to and approved by the FTC.

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 seven new brand styles of the Traditions brand described in this letter for the one year period beginning on the date of approval of this plan expansion. Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan expansion.

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved October 8, 2008 for Traditions and July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,



Cameron Goodwin  
for

Bryan Johnson, General Manager



**Exhibit A**

**SKOOKUM CREEK TOBACCO CO., INC.  
BRAND FAMILIES AND BRANDS OF CIGARETTES**

<p><b>COMPLETE</b>  Full Flavor Kings [soft pack]  High Air Kings [soft pack]  Ultra High Air Kings [soft pack]  Menthol Kings [soft pack]  Menthol High Air Kings [soft pack]  Non-Filter Kings [soft pack]  Full Flavor 100's [soft pack]  High Air 100's [soft pack]  Ultra High Air 100's [soft pack]  Menthol 100's [soft pack]  Menthol High Air 100's [soft pack]  Full Flavor 100's [hard pack]  High Air 100's [hard pack]  Ultra High Air 100's [hard pack]  Menthol 100's [hard pack]  Menthol High Air 100's [hard pack]  Full Flavor Kings [hard pack]  High Air Kings [hard pack]  Ultra High Air Kings [hard pack]  Menthol Kings [hard pack]  Menthol High Air Kings [hard pack]  Non-Filter Kings [hard pack]</p>	<p><b>PREMIS</b>  Full Flavor Kings [soft pack]  High Air Kings [soft pack]  Ultra High Air Kings [soft pack]  Menthol Kings [soft pack]  Menthol High Air Kings [soft pack]  Full Flavor 100's [soft pack]  High Air 100's [soft pack]  Ultra High Air 100's [soft pack]  Menthol 100's [soft pack]  Menthol High Air 100's [soft pack]</p>
<p><b>TRADITIONS (existing)</b>  Existing (additive free tobacco):  High-Air Filter 100s [hard pack]  Full Flavor 100s [hard pack]  Menthol 100s [hard pack]  Non-Filter Kings [hard pack]  High-Air Filter Kings [hard pack]  Menthol Kings [hard pack]  Full Flavor Kings [hard pack]</p>	<p><b>TRADITIONS (proposed)</b>  New (not additive-free):  Non-Filter Kings [hard pack]  Menthol Kings [hard pack]  Full Flavor Kings [hard pack]  High Air Filter Kings [hard pack]  Menthol 100s [hard pack]  Full Flavor 100s [hard pack]  High Air Filter 100s [hard pack]</p>

The Complete and Premis brand families are available with fire safe paper, where required by law. Traditions is available only with fire safe paper.

**Exhibit B**

Product Item #	Brand Family	Brand Name	Units Sold FY 2010	Projected FY 2011	Current FY Sales 10/10 - 12/10
50000	85mm Full Flavor Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50001	85mm High Air Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50002	85mm Ultra High Air Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50003	85mm Menthol Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50004	85mm Menthol High Air Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50005	100mm Full Flavor Deluxe 100's Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50006	100mm High Air Deluxe 100's Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50007	100mm Ultra High Air Deluxe 100's Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50008	100mm Menthol Deluxe 100's Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50009	100mm Menthol High Air Deluxe 100's Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50010	85mm Non Filtered Deluxe King Soft	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50011	100mm Full Flavor Deluxe 100's Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50012	100mm High Air Deluxe 100's Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50013	100mm Ultra High Air Deluxe 100's Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50014	100mm Menthol Deluxe 100's Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50015	100mm Menthol High Air Deluxe 100's Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50017	85mm Full Flavor Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50018	85mm High Air Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50019	85mm Ultra High Air Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50020	85mm Menthol Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50021	85mm Menthol High Air Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50022	85mm Non Filtered Deluxe King Hard	Complete	[REDACTED]	[REDACTED]	[REDACTED]
50023	85mm Full Flavor Deluxe Kings Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50024	85mm High Air Deluxe Kings Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50025	85mm Ultra High Air Deluxe Kings Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50026	85mm Menthol Deluxe Kings Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50027	85mm Menthol High Air Deluxe Kings Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50028	100mm Full Flavor Deluxe 100's Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]
50029	100mm High Air Deluxe 100's Soft	Premis	[REDACTED]	[REDACTED]	[REDACTED]



Selected packaging samples from those  
submitted with the plan.

Made in the USA

www.squaxinland.org



Josef Scayles, 1894

NO-FILTER

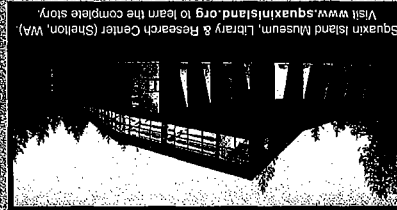
SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

TRADITIONS

NO-FILTER

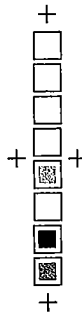
W 16

NO-FILTER



TRADITIONS are micro-manufactured on the Squaxin Island Indian Reservation, and all profits support our communities. We, the People of the Water, thank you for purchasing TRADITIONS. Visit www.squaxinland.org to learn the complete story.

1 2 3 4 5 6 7 8 9 10 11 12 08 09 11 12 13 14



TRADITIONS

NO-FILTER

TRADITIONS

20 CLASS A CIGARETTES

TRADITIONS

Sales to Minors Prohibited



stylea, circa 1957

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

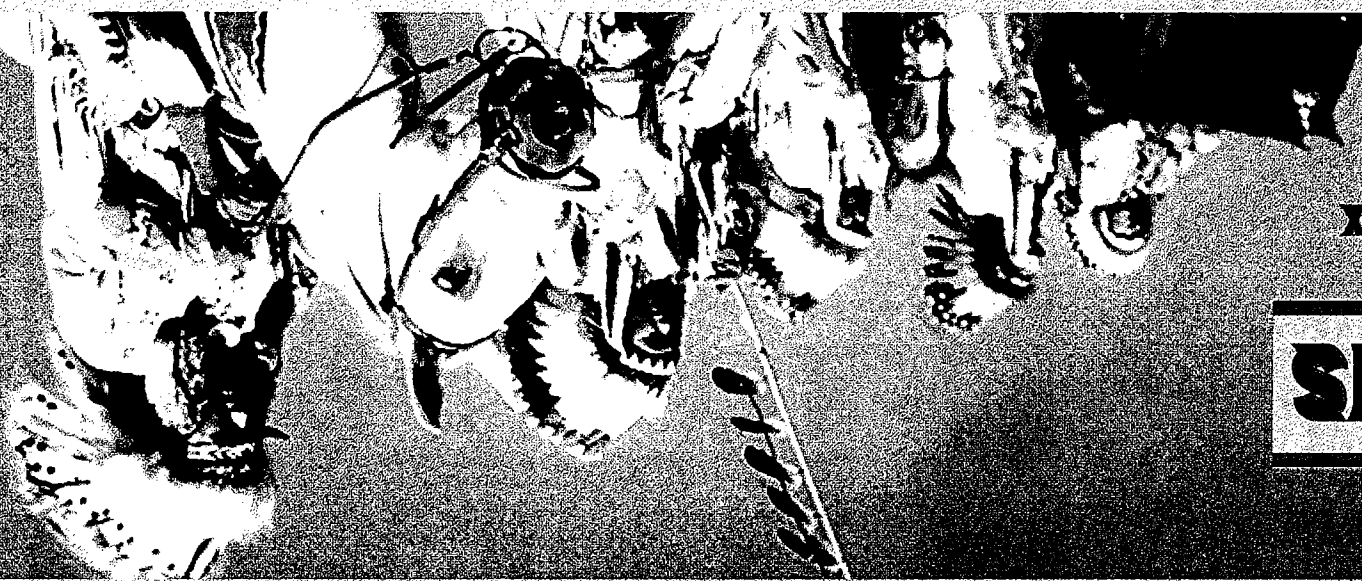
# TRADITIONS

Sales to Minors  
Prohibited



HIGH-AIR FILTER KINGS BOX

Josef Scayler, circa 1957



HIGH-AIR FILTER KINGS BOX

# TRADITIONS

HIGH-AIR FILTER KINGS BOX

# TRADITIONS

TRADITIONS are micro-manufactured on  
the Squaxin Island Indian Reservation,  
and all profits support our communities.  
We, the People of the Water,  
thank you for purchasing TRADITIONS  
200 Class A Filter Cigarettes



Visit [www.squaxinland.org](http://www.squaxinland.org) to learn the complete story.  
Squaxin Island Museum, Library & Research Center (Shelton, WA)

Made On Rez in the USA





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

February 8, 2011

Bryan Johnson  
General Manager  
Skookum Creek Tobacco Company  
1041 W. State Route 108  
Shelton, WA 98584

Dear Mr. Johnson:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, Skookum Creek Tobacco Company's ("Skookum Creek") May 28, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete, Premis, and Traditions brands of cigarettes was approved on June 15, 2010.

By letter dated February 8, 2011, you now propose to expand Skookum Creek's plan for display of the warnings on packaging to include seven additional hard pack varieties of the Traditions brand.

Skookum Creek's sales for fiscal year 2010 appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 12, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Skookum Creek's expansion of its plan for simultaneous display of the four health warnings on packaging for the following seven hard pack varieties of the Traditions brand is hereby approved effective on the date of this letter through **February 7, 2012**: Full Flavor (Kings and 100's), High-Air Filter (Kings and 100's), Menthol (Kings and 100's), and Non-Filter Kings.<sup>1</sup>

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that

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<sup>1</sup> Your letter indicates that these new varieties of the Traditions brand differ from the previously approved varieties insofar as they are not made with additive free tobacco.

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

Bryan Johnson  
February 8, 2011  
Page 2

any person who violates its provisions is guilty of a misdemeanor.

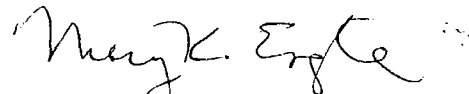
I wish to remind you that the Commission's June 15, 2010 approval of Skookum Creek's cigarette health warning statement rotation plan for packaging of certain varieties of its brands runs through June 14, 2011 and that this letter does not extend that approval period.

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 ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Skookum Creek's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 plans under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director



LAW OFFICES  
**SILVER, MCGOWAN & SILVER, P.C.**

1612 K STREET, N.W. SUITE 1204  
WASHINGTON, D.C. 20006

William J. McGowan

TEL: (202) 861-1200  
FAX: (202) 861-1268  
January 19, 2011

WJMcGowan@SMS-LawFirm.Com

CONTAINS TRADE SECRETS  
AND CONFIDENTIAL BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE

Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ3212  
Washington, DC 20001  
Attn: Sallie Schools

Cigarette Health Warning Rotation Plan

Submitted on Behalf of Susan Jesmer d/b/a Native Trading Associates (“NTA”)

Dear Ms. Schools:

This request is submitted on behalf of the above referenced client. Susan Jesmer continues as a sole proprietor doing business as Native Trading Associates and the address for NTA and the location of its factory remains 442 Frogtown Road, Hogansburg, New York 13655. She can be contacted at 518-358-4262.

NTA has an approved Cigarette Health Warning Rotation Plan for its packaging which was submitted August 17, 2010 and which was approved August 17, 2010.

On July 22, 2005, NTA’s July 7, 2005, advertising plan was approved. In addition, on September 22, 2009, NTA requested its Plan related to advertising be expanded in order for NTA to advertise its Native brand cigarette on outdoor billboards

Ms Mary Engle  
January 19, 2011  
Page 2

of three sizes: (1) from 160 to 350 square feet; (2) from 350 square feet up to 1,200 square feet; and (3) over 1,200 square feet to be displayed during the period 1 October 2009 until December 31, 2009 and to display the following warning:

Fourth Quarter Warning (October-December): SURGEON GENERAL'S WARNING:  
Cigarette Smoke Contains Carbon Monoxide.

The request to expand the Plan was approved on October 8, 2009.

NTA now requests that its Plan for advertising further be modified overall and expanded to include advertising from more than ten square feet to over 1,200 square feet throughout the year.

Print-outs showing exactly how our warning formats will appear for advertisements in categories 8A-D (over 10 to 20 square feet), 9A-D (over 20 to 40 square feet), 10A-D (over 40 to 80 square feet), and 11A-D (over 80 to 160 square feet), were attached as enclosures to my February 26, 2010 letter.

For all of our advertising, NTA will base the quarterly rotation of warnings in our advertising on the date on which final advertising and billboard advertising copy is sent to the printer. For advertisements from over 10 square feet to 160 square feet, the warning formats outlined below will be rotated quarterly according to the schedule outlined below:

A. First Quarter Warning (January - March): SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

B. Second Quarter Warning (April - June): SURGEON GENERAL'S WARNING:

Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

C. Third Quarter Warning (July-September): SURGEON GENERAL'S WARNING:

Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

D. Fourth Quarter Warning (October-December): SURGEON GENERAL'S WARNING:

Cigarette Smoke Contains Carbon Monoxide.

For billboard advertising over 160 square feet, NTA also requests that its Plan be expanded to include billboards (1) from 160 to 350 square feet; (2) from 350 square feet up to 1,200 square feet; and (3) over 1,200 square feet to be displayed throughout the year and to display the following warnings, in all capital letters, in accordance with Section 1333(a)(3) of the Cigarette Labeling and Advertising Act :

A. First Quarter Warning (January-March): SURGEON GENERAL'S WARNING:

Smoking Causes Lung Cancer, Heart Disease, And Emphysema.

B. Second Quarter Warning (April-June): SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly Reduces Serious Health Risks.

C. Third Quarter Warning (July-September): SURGEON GENERAL'S WARNING:

Pregnant Women Who Smoke Risk Fetal Injury And Premature Birth.

D. Fourth Quarter Warning (October-December): SURGEON GENERAL'S WARNING:

Cigarette Smoke Contains Carbon Monoxide.

Ms Mary Engle  
January 19, 2011  
Page 4

Print-outs showing exactly how our warning formats will appear for billboard sizes (1) from 160 to 350 square feet; (2) from 350 square feet up to 1,200 square feet; and (3) over 1,200 square feet with the warnings required during the first three quarters of each year (billboard categories 14A-C) are attached as enclosures to this letter. Print outs showing exactly how the warning format will appear for billboard category 12A-C and 13 A-C was delivered to your office on September 15, 2010. Print-outs showing exactly how our warning formats will appear for billboard categories 12D, 13D, and 14D were attached to our September 22, 2009, letter and we request you refer to those print-outs regarding this request. In addition, NTA will maintain records demonstrating compliance with the Plan.

Please contact me at any time with questions or any other requests.

Very truly yours,

**SILVER, MCGOWAN & SILVER, P.C.**

By: William J. McGowan

Enclosures



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

February 9, 2011

William J. McGowan  
Silver, McGowan, & Silver, P.C.  
1612 K Street, N.W. Suite 1204  
Washington, D.C. 20006

Dear Mr. McGowan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, Susan Jesmer d/b/a Native Trading Associates' ("Native Trading") July 7, 2005 plan for quarterly rotation of the four health warnings in advertising for the Native brand of cigarettes in advertisements up to ten square feet in size was approved on July 22, 2005. By letter dated January 19, 2011, you now propose to expand Native Trading's plan for display of the four health warnings in advertising to include advertisements from ten square feet to over 1200 square feet in size.

Native Trading's expansion of its plan for rotation of the warnings in advertising for the Native brand to include advertisements from 10 square feet to over 1200 square feet in size is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

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

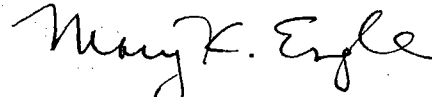
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or

Mr. William J. McGowan  
February 9, 2011  
Page 2

menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers, and addresses the marketing and sale of "modified risk tobacco products." You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle  
Associate Director



# Commonwealth

B R A N D S, I N C.

February 7, 2011

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

**RE: COMMONWEALTH BRANDS, INC.  
2011 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc., PO Box 51587, Bowling Green, Kentucky 42102 hereby submits its 2011 Cigarette Warning Label Rotation plans for the following brands:

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

Based on the sales volume during Commonwealth's most recent fiscal year preceding submission of this application, it appears that the following two (2) brand styles will exceed one-fourth of one percent (0.25%) of cigarettes sold in the United States:

USA Gold  
Red Filter King Size Box

Sonoma  
Red Filter King Size Box

The above-referenced one USA Gold brand style and one Sonoma brand style will continue to follow the previously approved quarterly labeling rotation schedules. None of Commonwealth Brands' other brand styles will exceed one-fourth of one percent (0.25%) of cigarettes sold in the United States for the one-year period to be covered by this plan.

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

P.O. Box 51587, Bowling Green, KY 42102 Ph. (270) 781-9100 Fax (270) 781-7651

www.commonwealthbrands.com  
An IMPERIAL TOBACCO GROUP company

For all remaining brand styles, this requests approval of a plan to conduct its manufacturing operations so that the four health warnings—specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the “Cigarette Labeling Act”), shall appear on the packages and cartons of each brand style of cigarettes an equal number of times during the 12-month period starting from the date this plan is approved by the FTC. These brand styles meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles exceed one-fourth of 1 percent of all cigarettes sold in the U.S. during Commonwealth’s most recent fiscal year preceding submission of this application; and (ii) more than 50% of the cigarettes manufactured by Commonwealth Brands are packaged into brands styles that fall below the maximum volume set out in (i) above. The two (2) brand styles which exceed one-fourth of one percent (0.25%) market share volume during Commonwealth’s most recent fiscal year preceding submission of this application accounted for [REDACTED] of the company’s total sales volume. The remaining [REDACTED] of the company’s total sales volume during Commonwealth’s most recent fiscal year preceding submission of this application is distributed among its other 99 styles. Through the date of this application the Surgeon General’s warnings on the packages for the brand styles of Commonwealth Brands have been equalized in accordance with its approved plans. If such request is approved, Commonwealth will require one-fourth of each package and carton material order to be printed with each one of the four warnings. Commonwealth Brands will maintain records that document compliance with this rotation plan.

The sales figures for each of Commonwealth Brands’ styles that qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2010), are reported in the attached **Exhibit B**.

During 2011, Commonwealth Brands will manufacture 145 brand styles. All but two (2) of Commonwealth’s brand styles qualify for this exemption.

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

<u>Brand(s)</u>	<u>Date(s)</u>
Crowns	September 7, 2010
Davidoff	December 12, 2007 March 18, 2010
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010



Malibu	September 25, 2009 January 5, 2011 (cartons) January 24, 2011 (packs)
Montclair	December 11, 2006 March 18, 2010
Raven	September 7, 2010
Riviera	December 11, 2006 September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	November 23, 2009 March 18, 2010 January 13, 2011 <sup>2</sup>
West	March 18, 2010 April 28, 2010 June 3, 2010 <sup>3</sup>

<sup>2</sup> Submission of limited promotional Celebration Edition packs and cartons only.

<sup>3</sup> Submission of redesigned packs for West Menthol Dark Green Filter 100's Box.

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

A listing of all Commonwealth Brands' styles is attached at **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during Commonwealth's most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2010, were 307.3 billion units. The source of industry sales is *The Maxwell Report, Fourth Quarter 2009 and First, Second and Third Quarters, 2010*. Commonwealth Brands' total sales volume during its most recent fiscal year preceding submission of this application was [REDACTED] units and its estimated total sales volume for the next fiscal year is [REDACTED] units. Commonwealth Brands' sales volume is measured on a fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

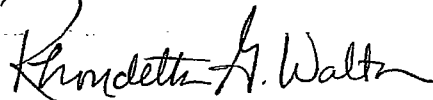
USA Gold – The February 13, 2008, plan for advertising which included a plan for display of the warnings in internet advertising.

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

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

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rhondetta G. Walton". The signature is written in black ink and is positioned above the printed name.

Rhondetta G. Walton  
Legal Counsel

**Attachments:**

Exhibit A – List of Brand Styles as of February 7, 2011

Exhibit B – Cigarette Volume 10/01/2009 – 09/30/2010

Exhibit C – Quarterly Warning Rotation Plan for Advertisements

**EXHIBIT A**

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

**BRAND STYLES AS OF FEBRUARY 7, 2011**

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

**CROWNS**

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

**DAVIDOFF**

FULL FLAVOR FILTER LUXURY LENGTH BOX  
GOLD FILTER LUXURY LENGTH BOX  
MENTHOL FILTER LUXURY LENGTH BOX  
MENTHOL GREEN FILTER LUXURY LENGTH BOX  
GOLD SLIMS FILTER LUXURY LENGTH BOX  
MENTHOL GREEN SLIMS LUXURY LENGTH BOX

**FORTUNA**

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

**GAULOISES**

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

**GITANES**

DARK BLUE FILTER KING SIZE BOX  
BLUE FILTER KING SIZE BOX

**MALIBU**

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

**MONTCLAIR**

BLUE FILTER KING SIZE BOX  
BLUE FILTER 100'S BOX  
GRAY FILTER KING SIZE BOX  
GRAY FILTER 100'S BOX  
WHITE FILTER 100'S BOX  
MENTHOL GREEN FILTER 100'S BOX  
MENTHOL FILTER 100'S SOFT PACK  
PURPLE SLIMS FILTER 100'S BOX  
MENTHOL GREEN SLIMS FILTER 100'S BOX

**RAVEN**

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

**RIVIERA**

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

**SF**

RED FILTER KING-SIZE BOX  
BLUE FILTER KING-SIZE BOX  
SILVER FILTER KING-SIZE BOX  
DARK GREEN FILTER KING-SIZE BOX  
GREEN FILTER KING-SIZE BOX  
RED FILTER 100'S BOX  
BLUE FILTER 100'S BOX  
SILVER FILTER 100'S BOX  
DARK GREEN FILTER 100'S BOX  
GREEN FILTER 100'S BOX  
NON-FILTER KING-SIZE SOFT PACK

**SONOMA**

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

**TUSCANY**

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

**USA GOLD**

RED FILTER KING SIZE SOFT PACK  
RED FILTER 100'S SOFT PACK  
RED FILTER 100'S BOX  
GOLD FILTER KING SIZE SOFT PACK  
GOLD FILTER KING SIZE BOX  
GOLD FILTER 100'S SOFT PACK  
GOLD FILTER 100'S BOX  
BLUE FILTER KING SIZE SOFT PACK  
BLUE FILTER KING SIZE BOX  
BLUE FILTER 100'S SOFT PACK  
BLUE FILTER 100'S BOX  
MENTHOL GREEN FILTER KING SIZE SOFT PACK

MENTHOL GREEN FILTER 100'S BOX  
MENTHOL GREEN FILTER 100'S SOFT PACK  
MENTHOL FILTER KING SIZE SOFT PACK  
MENTHOL FILTER KING SIZE BOX  
MENTHOL FILTER 100'S SOFT PACK  
MENTHOL FILTER 100'S BOX  
NON FILTER KING SIZE SOFT PACK

**WEST**

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

**BRAND STYLES UTILIZING THE QUARTERLY WARNING STATEMENT ROTATION (15  
U.S.C. §1333(c)(1)):**

**USA GOLD**

RED FILTER KING SIZE BOX

**SONOMA**

RED FILTER KING SIZE BOX

EXHIBIT B

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Commonwealth Brands, Inc.  
Cigarette Volume (000's)  
October 1, 2009 - September 30, 2010

PAGE 1


Brand	Style Number	Description	TOTAL STICKS (000)
DAVIDOFF	06253	Davidoff Classic Box	[REDACTED]
	06254	Davidoff Gold Box	
	06255	Davidoff MN Dark Grn Box	
	06256	Davidoff MN Grn Box	
		DAVIDOFF TOTAL	
DAVIDOFF SLIMS	36270	Davidoff Slims Gold Box	[REDACTED]
	36271	Davidoff Slims MN Grn Box	
		DAVIDOFF SLIMS TOTAL	
FORTUNA	30238	Fortuna Red KG Box	[REDACTED]
	30239	Fortuna Blue KG Box	
	30240	Fortuna Pale Blue King Bo	
	30241	Fortuna NF KG	
	30242	Fortuna Pale Blue 100 Box	
	30243	Fortuna MN Dark Grn KG Bo	
	30244	Fortuna MN Grn 100 Box	
	30246	Fortuna MN Grn KG Box	
	30289	Fortuna Red 100 Box	
	30290	Fortuna Blue 100 Box	
	30291	Fortuna MN Dark Grn 100 B	
	38243	Fortuna Ment K Box PR Tax	
		FORTUNA TOTAL	
Gitannes	37505	Gitannes Classic KG Box	[REDACTED]
	37506	Gitannes Blue KG Box	
		Gitannes TOTAL	
GAULOISES	37500	Gauloises Blue KG Box	[REDACTED]
	37501	Gauloises Red KG Box	
	37502	Gauloises Yellow KG Box	
		GAULOISES TOTAL	
Malibu	00200	MALIBU LIGHT 120	[REDACTED]
	00201	MALIBU LT 100'S	
	00202	MALIBU ULLT 100'S	
	00203	MALIBU MT LT 100'S	



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Commonwealth Brands, Inc.  
Cigarette Volume (000's)  
October 1, 2009 - September 30, 2010

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Brand	Style Number	Description	TOTAL STICKS (000)
Malibu	00204	Malibu Lt Sl Box	
	00205	MALIBU UT LT SL BOX	
	00206	MALIBU MN LT SL BOX	
	00207	MALIBU MENTHOL LIGHT 120	
	30204	Malibu Slims 100 Blue Box	
	30205	Malibu Slims 100 Pink Box	
	30206	Malibu Slims 100 MN Grn B	
		Malibu	
		TOTAL	
Montclair	03220	Montclair Full Flavor Kin	
	03221	Montclair Light King 6M	
	03222	Montclair Full Flavor 100	
	03223	Montclair Light 100 6M	
	03224	Montclair Menthol Light 1	
	03225	Montclair Ultra Light 100	
	03729	Montclair FF K Box	
	03730	Montclair Lights Kings Bo	
	03734	Montclair Mnt Lt Kings	
	03738	Montclair FF Menthol 100'	
	03739	Montclair Ultra Lights Ki	
	33220	LIP Montclair FF King 6M	
	33221	LIP Montclair Light King	
	33222	LIP Montclair FF 100 6M	
	33223	LIP Montclair Light 100 6	
	33224	LIP Montclair Ment Lt 100	
	33225	LIP Montclair Ul Lt 100 6	
	33292	Montclair Blue KG Box	
	33293	Montclair Blue 100 Box	
	33294	Montclair Gray KG Box	
	33295	Montclair Gray 100 Box	
	33296	Montclair White 100 Box	
	33297	Montclair MN Grn 100 Box	
	33298	Montclair Slim 100 Purp B	
	33299	Montclair Slim 100 MN Grn	
	33729	LIP Montclair FF Kg Box	
	33730	LIP Montclair Lights Kg B	
	33734	LIP Montclair Mnt Lt King	
	33738	LIP Montclair FF Menthol	
	33739	LIP Montclair Ultra Lts K	
		Montclair	
		TOTAL	
RAVE CIGARETTES	38521	Rave FF King Box PR Tax P	
	38612	Rave MN 100 Box PR Tax Pa	

Brand	Style Number	Description	TOTAL STICKS (000)	
RAVE CIGARETTES	38623	Rave FF 100 Box PR Tax Pa	[REDACTED]	
	50513	Rave Red 100		
	50522	Rave MN Dark Grn 100		
	50541	Rave Gold 100		
	51521	Rave Red KG Box		
	51532	Rave MN Dark Grn KG Box		
	51533	Rave Gold KG Box		
	51612	Rave MN Dark Grn 100 Box		
	51623	Rave Red 100 Box		
	51651	Rave Gold 100 Box		
		RAVE CIGARETTES TOTAL		
Sonoma	04269	Sonoma FF Ment 100 Box		[REDACTED]
	04274	Sonoma FF Menthol King Bo		
	04275	Sonoma Light Menthol King		
	04276	Sonoma FF King Box 6M		
	04277	Sonoma FF 100 Box		
	04278	Sonoma Menthol Lt 100 6M		
	04279	SONOMA FF MENTHOL 100		
	04280	Sonoma Ultra Lt 100 6M		
	04281	Sonoma Light 100 6M		
	04282	Sonoma FF 100 6M		
	04283	Sonoma Non-Filter King		
	04284	Sonoma Light King Box 6M		
	04285	Sonoma Light 100 Box 6M		
	09274	Sonoma FF Men King Box US		
	09275	Sonoma Lt Ment King Box U		
	09276	Sonoma FF King Box 6M UST		
	09277	Sonoma FF 100 Box USTE		
	09278	Sonoma Menthol Lt 100 6M		
	09280	Sonoma Ultra Lt 100 6M US		
	09284	Sonoma Lts Kg Box 6M USTE		
	09285	Sonoma Lt 100 Box 6M USTE		
	34268	Sonoma Blue KG Box		
	34269	Sonoma MN Dark Grn 100 Bo		
	34274	Sonoma MN Dark Grn KG Box		
	34275	Sonoma MN Grn KG Box		
	34276	Sonoma Red KG Box		
	34277	Sonoma Red 100 Box		
	34278	Sonoma MN Grn 100		
	34279	Sonoma MN Dark Grn 100		
	34280	Sonoma Blue 100		
	34281	Sonoma Gold 100		
	34282	Sonoma Red 100		
	34283	Sonoma NF		

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Commonwealth Brands, Inc.  
Cigarette Volume (000's)  
October 1, 2009 - September 30, 2010

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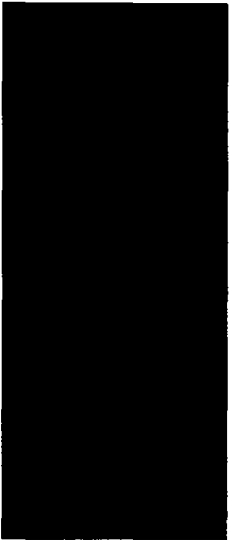
Brand	Style Number	Description	TOTAL STICKS (000)	
Sonoma	34284	Sonoma Gold KG Box		
	34285	Sonoma Gold 100 Box		
	39274	Sonoma MN DrkGrn KG Box U		
	39275	Sonoma MN Grn KG Box USTE		
	39276	Sonoma Red KG Box USTE		
	39277	Sonoma Red 100 Box USTE		
	39278	Sonoma MN Grn 100 USTE		
	39280	Sonoma Blue 100 USTE		
	39284	Sonoma Gold KG Box USTE		
	39285	Sonoma Gold 100 Box USTE		
		Sonoma TOTAL		
SMK FRNDLY CIG	39330	Smk Friendly Red KG Box		
	39331	Smk Friendly Dark Grn Kg		
	39332	Smk Friendly Blue KG Box		
	39333	Smk Friendly Gray KG Box		
	39334	Smk Friendly Pale Grn KG		
	39335	Smk Friendly NF KG		
	39336	Smk Friendly Red 100 Box		
	39337	Smk Friendly Dark Grn 100		
	39338	Smk Friendly Blue 100 Box		
	39339	Smk Friendly Gray 100 Box		
	39340	Smk Friendly Pale Grn 100		
		SMK FRNDLY CIG TOTAL		
USA Gold	01208	USA Gold FF Menthol King		
	01209	USA Gold Full Flavor 100		
	01210	USA Gold Light 100 Box		
	01211	USA Gold FF 100 Box		
	01212	USA Gold FF Menthol KG Bo		
	01213	USA Gold Ultra Lt 100 Box		
	01214	USA Gold FF Menthol 100 B		
	01215	USA Gold Non-Filter King		
	01216	USA Gold FF King Box 6M		
	01217	USA Gold Lights Kings Box		
	01218	USA Gold Ultra Light King		
	01219	USA Gold Ultra Lt 100 6M		
	01228	USA Gold Light 100 6M		
	01232	USA Gold Lt Men 100 Box		
	01233	USA Gold Light King 6M		
	01234	USA Gold Full Flavor Kg 6		
	01235	USA Gold Menthol Light Ki		
	01236	USA Gold Menthol Lt 100 6		

Brand	Style Number	Description	TOTAL STICKS (000)	
USA Gold	01237	USA Gold FF Menthol 100's	[REDACTED]	
	08214	USA Gold FFM 100 Box PR T		
	08216	USA Gold FF King Box PR T		
	08232	USA Gold LT Men 100 Bx PR		
	09209	USA Gold FF 100 USTE		
	09210	USA Gold Light 100 Box US		
	09211	USA Gold FF 100 Box USTE		
	09214	USA Gold FF Ment 100 Box		
	09216	USA Gold FF King Box USTE		
	09217	USA Gold Lts KG Box 6M US		
	09232	USA GOLD LM 100 BOX USTE		
	31208	USA Gold MN Dark Grn KG		
	31209	USA Gold Red 100		
	31210	USA Gold Gold 100 Box		
	31211	USA Gold Red 100 Box		
	31212	USA Gold MN Dark Grn Box		
	31213	USA Gold Blue 100 Box		
	31214	USA Gold MN Dark Grn 100		
	31215	USA Gold NF KG		
	31216	USA Gold Red KG Box		
	31217	USA Gold Gold KG Box		
	31218	USA Gold BLue KG		
	31219	USA Gold Blue 100		
	31228	USA Gold Gold 100		
	31232	USA Gold MN Grn 100 Box		
	31233	USA Gold Gold KG		
	31234	USA Gold Red KG		
	31235	USA Gold MN Grn KG		
	31236	USA Gold MN Grn 100		
	31237	USA Gold MN Dark Grn 100		
	31267	USA Gold Blue KG Box		
	38214	USAG MN DkGrn 100 Bx PR T		
	38216	USA Gold Red KG Box PR TX		
	39211	USA Gold Red 100 Box USTE		
	39214	USAG MN Drk Grn 100 Box U		
	39216	USA Gold Red KG Box USTE		
	39217	USA Gold Gold KG Box USTE		
	39232	USA Gold MN Grn 100 Box U		
		USA Gold TOTAL		[REDACTED]
WEST	07252	WEST MENT LIGHT KING BOX		[REDACTED]
	07258	WEST FF KING BOX		
	07260	WEST LIGHT KING BOX		
	07263	WEST FF MENT KING BOX		
	37251	West MN Grn 100 Box		

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Commonwealth Brands, Inc.  
Cigarette Volume (000's)  
October 1, 2009 - September 30, 2010

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Brand	Style Number	Description	TOTAL STICKS (000)
WEST	37252	West MN Grn KG Box	
	37258	West Red KG Box	
	37259	West Gray KG Box	
	37260	West Blue KG BOX	
	37261	West NF KG	
	37262	West Red 100 Box	
	37263	West MN Dark Grn KG Box	
	37264	West Blue 100 Box	
	37265	West Dark Grn 100 Box	
	37266	West Gray 100 Box	
		WEST TOTAL	
		FINAL TOTAL	

\* \* \* E N D O F R E P O R T \* \* \*

**EXHIBIT C**

**COMMONWEALTH BRANDS  
ADVERTISING ROTATION PLAN**

**QUARTER IN WHICH  
MATERIALS ARE PRODUCED**

**WARNING NOTICE UTILIZED**

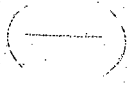
**BRAND**

	USA GOLD	RIVIERA	SONOMA	MONTCLAIR
1 <sup>st</sup> Q (Jan – Mar)	A	B	C	D
2 <sup>nd</sup> Q (Apr. – June)	B	C	D	A
3 <sup>rd</sup> Q (July – Sept.)	C	D	A	B
4 <sup>th</sup> Q (Oct. – Dec.)	D	A	B	C
	DAVIDOFF	TUSCANY	WEST	MALIBU
1 <sup>st</sup> Q (Jan – Mar)	A	B	C	D
2 <sup>nd</sup> Q (Apr. – June)	B	C	D	A
3 <sup>rd</sup> Q (July – Sept.)	C	D	A	B
4 <sup>th</sup> Q (Oct. – Dec.)	D	A	B	C
	FORTUNA	GAULOISES	GITANES	RAVEN
1 <sup>st</sup> Q (Jan – Mar)	A	B	C	D
2 <sup>nd</sup> Q (Apr. – June)	B	C	D	A
3 <sup>rd</sup> Q (July – Sept.)	C	D	A	B
4 <sup>th</sup> Q (Oct. – Dec.)	D	A	B	C
		SF	CROWNS	
1 <sup>st</sup> Q (Jan – Mar)		B	C	
2 <sup>nd</sup> Q (Apr. – June)		C	D	
3 <sup>rd</sup> Q (July – Sept.)		D	A	
4 <sup>th</sup> Q (Oct. – Dec.)		A	B	
	MULTIPLE BRANDS/ NON-BRAND SPECIFIC			
1 <sup>st</sup> Q (Jan – Mar)	A			
2 <sup>nd</sup> Q (Apr. – June)	B			
3 <sup>rd</sup> Q (July – Sept.)	C			
4 <sup>th</sup> Q (Oct. – Dec.)	D			

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

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

MALIBU  
120's



S L I M S

MALIBU  
120's



8522

8522  
MFG

MALIBU  
120's



0 906003 5

FSC

COMMONWEALTH  
BRANDS, INC.  
MFG REIDSVILLE,  
NC 27320

MALIBU  
120's

MALIBU  
120's

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



PREMIUM QUALITY

S L I M S

120's

MALIBU

CLASS A  
200 CIGARETTES/20's

COMMONWEALTH BRANDS, INC.  
MFG REIDSVILLE, NC 27320

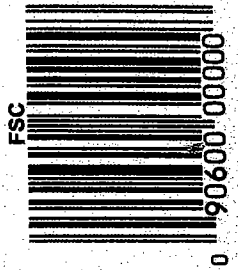
MALIBU

120's

S L I M S

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

0000  
WN/D



MALIBU

120's

S L I M S



**USA GOLD**



UNDERAGE FROM 18

**USA GOLD**  
100s

**USA GOLD**

CELEBRATION EDITION



MADE IN USA



1283



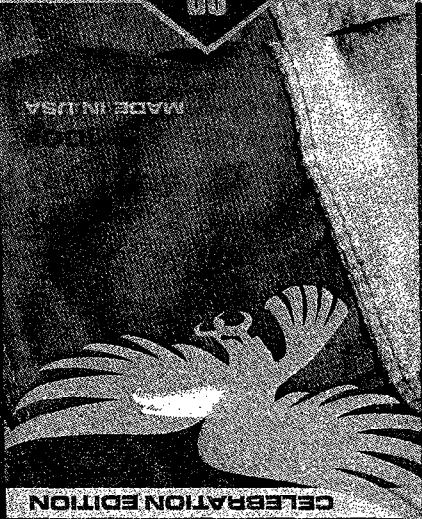
**USA GOLD**  
100s

1283  
WN/B



FSC  
0 906103 4  
COMMONWEALTH BRANDS, INC.  
MFG REIDSVILLE NC 27320

MADE IN USA



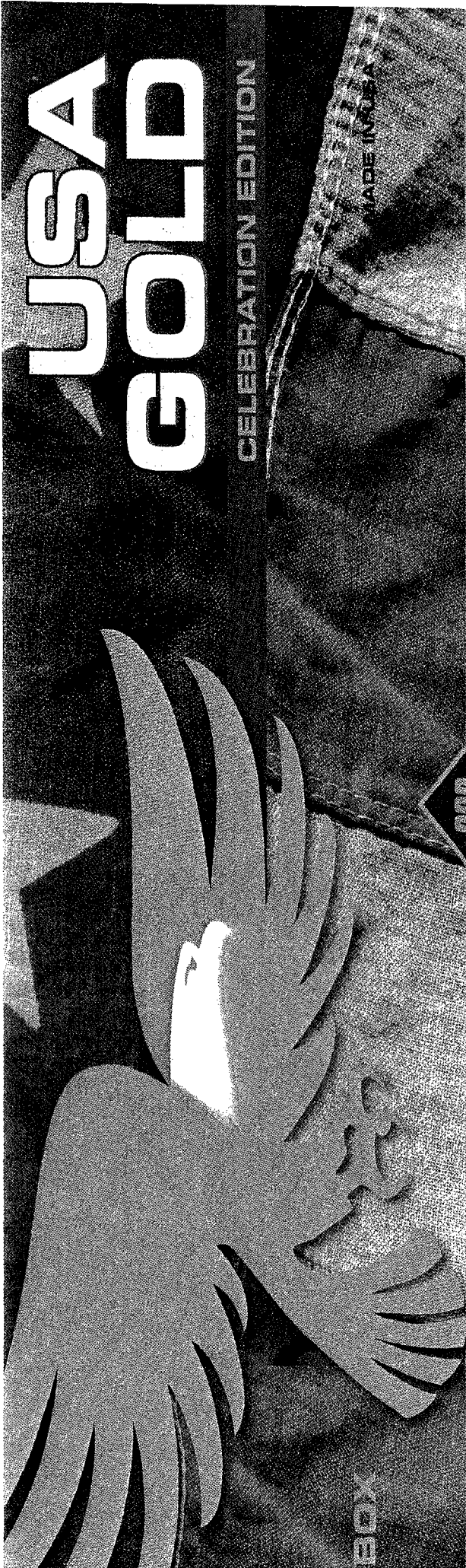
CELEBRATION EDITION

**USA GOLD**  
100s

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

**USA**  
**GOLD**

COMMONWEALTH BRANDS, INC.  
REIDSVILLE, NC 27320 USA  
CLASS A  
200 CIGARETTES/20S



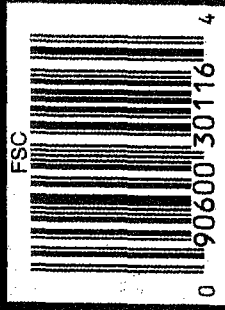
**USA**  
**GOLD**

CELEBRATION EDITION

BOX

200

**USA**  
**GOLD**



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

200



MADE IN USA

BOX



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

February 11, 2011

Rhondetta G. Walton, Esq.  
Commonwealth Brands, Inc.  
P.O. Box 51587  
Bowling Green, KY 42102

Dear Ms. Walton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Commonwealth Brands, Inc. ("Commonwealth") on February 7, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Davidoff, Fortuna, Gauloises, Gitanes, Malibu, Montclair, Raven, Riviera, SF, Sonoma, Tuscany, USA Gold, and West brands of cigarettes.

Commonwealth's sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates<sup>1</sup> continue 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>
Crowns	September 7, 2010
Davidoff	December 12, 2007 March 18, 2010
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010
Gitanes	April 28, 2010
Malibu	September 25, 2009

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<sup>1</sup> Commonwealth stated in its February 7, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

	January 5, 2011 (cartons) January 24, 2011 (packs)
Montclair	December 11, 2006 March 18, 2010
Raven	September 7, 2010
Riviera	December 11, 2006 September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	November 23, 2009 March 18, 2010 January 13, 2011 <sup>2</sup>
West	March 18, 2010 April 28, 2010 June 3, 2010

Commonwealth's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **February 10, 2012**.<sup>3</sup>

- Eleven varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;

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<sup>2</sup> Submission of limited-run promotional "Celebration Edition" packs and cartons only.

<sup>3</sup> We note that Commonwealth is using colors in the names of most of its cigarette varieties (e.g., Crowns Blue Kings Box) and, except as specified below, the color used for a variety's packaging does conform to the color used in its name. We also note that for many of Commonwealth's varieties neither the color names nor the word "menthol" are printed on the packaging.

Rhondetta G. Walton, Esq.

February 11, 2011

Page 3

- Six 93 millimeter "Luxury Length" Box varieties of the Davidoff brand: Full Flavor, Gold, Menthol, Menthol Green, Gold Slims, and Menthol Green Slims;
- Eleven varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), Menthol Green 100's Box (blue/green packaging), and Non-filter Kings soft pack;
- Three Box varieties of the Gauloises brand: Red Kings, Blue Kings, and Yellow Kings;
- Two Box varieties of the Gitanes brand: Dark Blue Kings (packaging has a blue background with white lettering) and Blue Kings (packaging has a white background with blue lettering);
- Six Box varieties of the Malibu brand: Blue 100's, Blue 120's, Pink Slims 100's, Pink 120's, Menthol Green Slims 100's, and Menthol Green 120's;
- Nine varieties of the Montclair brand: Blue Kings Box, Blue 100's Box, Gray Kings Box, Gray 100's Box, White 100's Box, Menthol Green 100's Box, Menthol 100's soft pack, Purple Slims 100's Box, and Menthol Green Slims 100's Box;
- Eleven varieties of the Raven brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;
- Thirteen varieties of the Riviera brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Kings soft pack, Menthol 100's soft pack, and Non-filter Kings soft pack;
- Eleven varieties of the SF brand: Red Kings Box, Red 100's Box, Silver Kings Box, Silver 100's Box, Blue Kings Box, Blue 100's Box, Dark Green Kings Box, Dark Green 100's Box, Green Kings Box, Green 100's Box, and Non-filter Kings soft pack;
- Thirteen varieties of the Sonoma brand: Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue Kings Box (blue-gray packaging), Blue 100's soft pack (blue-gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's soft pack, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack;
- Eleven varieties of the Tuscany brand: Red Kings Box, Red 100's Box, Gold Kings Box

(tan packaging), Gold 100's Box (tan packaging), Blue Kings Box, Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Non-filter Kings soft pack;

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

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

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

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

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

Rhondetta G. Walton, Esq.  
February 11, 2011  
Page 5

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

Very truly yours,

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

Mary K. Engle  
Associate Director



# SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496  
175 Rochester Street  
Salamanca, NY 14779

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

February 11, 2011

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
DIVISION OF ADVERTISING  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20508

Re: Heron No. 33 Black Gold

Dear Ms. Engle:

This letter is being submitted for your approval of the alternative method to the quarterly rotation of the Surgeon General's Warnings for packaging of the Heron No. 33 Black Gold style, and for approval of quarterly rotation of warnings in advertising. Heron No. 33 Black Gold style is manufactured by the partnership of Travis G. Heron, Ellen R. Heron and Gary C. Heron, d/b/a Seneca Manufacturing Company (Manufacturer of Tobacco Products License TP-NY-15007).

The Heron No. 33 Black Gold brand style will be manufactured in 100 box only.

These cigarettes will be packaged in 200 count cartons ("Outer Carton"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("pack"). Regardless of the overall appearance of the label and carton, a white background consistently embodies the Surgeon General's Warnings with Black Gold type in order to maximize the contrast and visibility of the image. The warnings will appear on the Heron No. 33 Black Gold brand style exactly as shown on the sample packs and cartons submitted with my February 4, 2011, letter.

Seneca Manufacturing Company believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 133(c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. Seneca Manufacturing Company is presently manufacturing twenty-one (21) other styles of Heron cigarettes. Heron No. 33 Black Gold style will be manufactured in addition to the other twenty-one (21) styles of Heron cigarettes for which Seneca Manufacturing Company's July 13, 2010, plan for simultaneous display of the four (4) surgeon general warnings on packaging was approved on July 19, 2010. Our sales for each brand style for the previous fiscal year (calendar year 2010) and anticipated sales for each brand style for the next fiscal year (calendar year 2011) are set out in Exhibit "A".

If this plan for the alternative quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons for this new style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron brand style an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan.

We will continue to advertise according to our December 17, 2007, plan approved by the Federal Trade Commission on December 19, 2007.

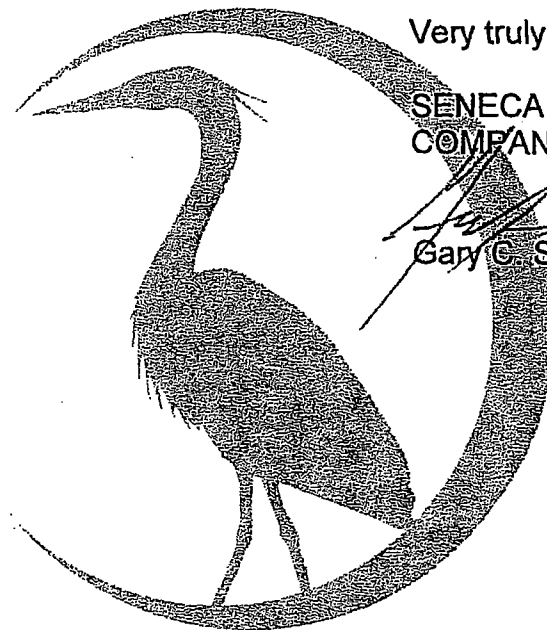
If there are any questions or concerns regarding this, please feel free to contact me.

Very truly yours,

SENECA MANUFACTURING  
COMPANY

  
Gary C. Sanden

GCS/jlw  
Enclosures



EXHIBT A

Heron-Brand Styles	Previous Year (2010) Sales/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	
Non-Filter King SP	

Heron-Brand Styles	Estimated Sales (2011)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	
Non-Filter King SP	
No. 33 Black	

Selected packaging samples from those  
submitted with the plan.

100s BOX

CLASS A  
20  
CIGARETTES

# HERON

No.33 BLACK

100s BOX

# HERON



No.33  
BLACK

SINCE 1794  
PREMIUM  
NATIVE BLEND

No.33 BLACK

# HERON

060-000-007  
KM

17



FSC

SINCE 1794  
PREMIUM  
NATIVE BLEND  
No.33  
BLACK

# HERON



MADE IN THE USA  
TP - NY-15007  
Created on the Territory of  
the Seneca Nation on Indians of  
Seneca Indian County, Seneca  
Sovereign, NY 14779

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

UNDERAGE  
SALE  
PROHIBITED

100s BOX

**No. 33**  
**BLACK**  
SINCE 1794  
PREMIUM NATIVE BLEND



# HERON

CLASS A  
200 CIGARETTES

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



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

FSC  
7 36211 71914 0

MADE IN THE USA  
TP - NY-15007  
UNDERAGE  
SALE  
PROHIBITED



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

February 14, 2011

Gary C. Sanden  
Seneca Manufacturing Company  
P.O. Box 496  
175 Rochester Street  
Salamanca, NY 14779

Dear Mr. Sanden:

The Federal Trade Commission ("the Commission") has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, the partnership of Travis G. Heron, Ellen R. Heron, and Gary C. Sanden, d/b/a Seneca Manufacturing Company's ("Seneca") July 13, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for twenty-one varieties of the Heron brand of cigarettes was approved on July 19, 2010. By letter dated February 11, 2011, you now propose to expand your plan for display of the warnings on packaging to include one additional variety of the Heron brand.

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 your letter dated February 4, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Seneca's expansion of its plan for simultaneous display of the four health warnings on packaging for the Heron brand is hereby approved for the No.33 Black Gold 100's hard pack variety. This approval is effective on the date of this letter and runs through **February 13, 2012**.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

I wish to remind you that the Commission's July 19, 2010 approval of Seneca's cigarette health warning statement rotation plan for packaging of twenty-one varieties of the Heron brand runs through July 18, 2011 and that this letter does not extend that approval period.

Please note that this letter only approves the expansion of Seneca's cigarette health

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

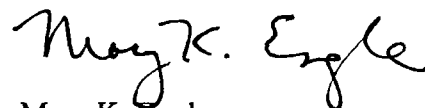
Gary C. Sanden  
February 14, 2011  
Page 2

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

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

If you have any questions regarding this approval, please contact Linda Henry at (202) 326-2542.

Very truly yours,



Mary K. Engle  
Associate Director



LAW OFFICES OF  
FINGER, ROEMER, BROWN & MARIANI, L.L.P.  
102 WEST THIRD STREET, SUITE 200 B, LOBBY LEVEL  
WINSTON-SALEM, NORTH CAROLINA 27101  
TELEPHONE (336) 723-4311  
TELEFAX (336) 759-0965

*(Please note new firm name and address)*

M. Neil Finger  
Henry C. Roemer, III, P.C.  
Andrew G. Brown  
Peter R. Mariani

**OTHER OFFICE**  
105 South Bridge Street  
P.O. Box 8  
Jonesville, NC 28642  
(336) 835-4000

February 11, 2011

**Via FedEx**

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

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

Dear Ms. Schools:

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

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for this equalization alternative because during fiscal year 2010: (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) Kretek anticipates its sales for fiscal year 2011 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks. Kretek states that it has discontinued all brands except Taj Mahal Bidis and Merci.

Consistent with the requirements of the Plan, Kretek will display the four warnings an equal number of times on the packages and cartons for each brand style of the Lagunas brand for the one-year period beginning on the date this plan is approved.

The warning statements on the packages will appear exactly as shown on the samples of the packs and cartons submitted with our January 13, 2011 letter.

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

Ms. Sallie Schools  
February 11, 2011  
Page 2

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

Telephone number: 805-531-8888.

It is our understanding that the approval for both of the styles listed above would henceforth be for a one-year period beginning on the date this plan is approved.

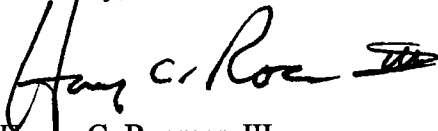
For advertising, Kretek agrees to use the warning statement formats that were submitted to the Federal Trade Commission with the 1985 Plans of the five leading U.S. cigarette manufacturers, and to place the warnings as specified in those Plans. Kretek agrees that its advertising will not exceed 470 square inches. The warnings will be rotated quarterly according to the schedule set out in Exhibit A attached hereto.

The acetates of the four warning statements that Kretek uses in its advertising are the same as the ones that were sent to the FTC with Kretek's letter of March 1, 2001.

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

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink that reads "Henry C. Roemer, III". The signature is written in a cursive style with a prominent "H" and "R".

Henry C. Roemer, III

HCRiii/mhr

Enclosure

2/11/2011

EXHIBIT A  
KRETEK INTERNATIONAL, INC.  
WARNING ROTATION SCHEDULE FOR ADVERTISING PURPOSES  
PROPOSED PERMANENT PLAN

SURGEON GENERAL'S WARNING

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

BRAND	1st Quarter (Jan., Feb., Mar.)	2nd Quarter (Apr., May, Jun.)	3rd Quarter (Jul., Aug., Sep.)	4th Quarter (Oct., Nov., Dec.)
DJARUM SPECIAL & SPECIAL LIGHTS - <i>DISCONTINUED</i>	1	2	3	4
DJARUM BLACK - <i>DISCONTINUED</i>	2	3	4	1
PREMIUM ONE - <i>DISCONTINUED</i>	3	4	1	2
DJARUM SPLASH - <i>DISCONTINUED</i>	4	1	2	3
DJARUM BALI HAI - <i>DISCONTINUED</i>	1	2	3	4
DREAMS & DREAMS NATURAL (ALL STYLES) - <i>DISCONTINUED</i>	2	3	4	1
DJARUM FLAVORED (VANILLA, CHERRY, MENTHOL) - <i>DISCONTINUED</i>	3	4	1	2
DJARUM SUPER, LIGHTS, ORIGINALS - <i>DISCONTINUED</i>	4	1	2	3
DARSHAN - <i>DISCONTINUED</i>	1	2	3	4
SPRINGWATER - <i>DISCONTINUED</i>	2	3	4	1
ROSEBUD - <i>DISCONTINUED</i>	3	4	1	2
WILD GEESE - <i>DISCONTINUED</i>	4	1	2	3
CALUME - <i>DISCONTINUED</i>	1	2	3	4
TREASURER - <i>DISCONTINUED</i>	2	3	4	1
JAKARTA - <i>DISCONTINUED</i>	3	4	1	2
TAJ MAHAL BIDIS	4	1	2	3
WHITE RHINO - <i>DISCONTINUED</i>	1	2	3	4
OM BIDIS (ALL STYLES) - <i>DISCONTINUED</i>	2	3	4	1
LUSH (ALL STYLES) - <i>DISCONTINUED</i>	3	4	1	2
MERCI	4	1	2	3
LAGUNAS	1	2	3	4

Selected packaging samples from those  
submitted with the plan.

DJARUM



# Lagunas

# Lagunas

Menthol Select

A perfectly balanced tropic blend of cool menthol and imported tobaccos offers distinctive smoking pleasure.

A Quality Tobacco Product From

DJARUM

# Lagunas

IMPORTED TROPIC BLEND

Menthol Select

# Lagunas

CLASS A  
20  
CIGARETTES

UNDERRAGE  
SALE  
PROHIBITED



FSC



20 CLASS A CIGARETTES  
MADE BY PT DJARUM  
KUDUS, INDONESIA  
DISTRIBUTED BY  
KRETEK INTERNATIONAL  
MOORPARK, CA 95021, USA

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

IMPORTED TROPIC BLEND

200 CLASS A CIGARETTES  
DISTRIBUTED BY  
KRETEK INTERNATIONAL, INC.  
MOORPARK, CA 93021, USA

Smooth Select

Lagunas

Smooth Select

Lagunas

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

Lagunas

Smooth Select

IMPORTED TROPIC BLEND

 DJARUM

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

February 14, 2011

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

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Kretek International, Inc. ("Kretek") on February 11, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to 470 square inches in size for the Lagunas brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand.

Kretek's plan for rotation of the warnings in advertising up to 470 square inches in size for the Lagunas brand is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Kretek's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 13, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Kretek's plan for simultaneous display of the four health warnings on packaging for the following two international-size hard pack varieties of the Lagunas brand is hereby approved effective on the date of this letter through **February 13, 2012**: Smooth Select and Menthol Select.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

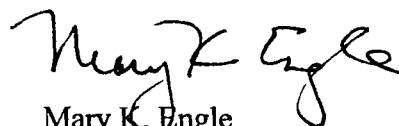
Henry C. Roemer, III  
February 14, 2011  
Page 2

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

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

If you have any questions regarding this approval, please contact Linda Henry at (202) 326-2542.

Very truly yours,



Mary K. Engle  
Associate Director



**SIX NATIONS MANUFACTURING  
11359 SOUTHWESTERN BLVD.  
P.O. BOX 377  
IRVING, NY 14081  
TELE: 716-783-2285  
FAX: 716-934-4087**

February 8, 2011

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for packaging and advertising of two new brands, Senate and Gator. The Senate and Gator cigarette brands will be manufactured by J. Conrad Seneca, d.b.a. Six Nations Manufacturing. Upon approval of this plan, the manufacturer intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15033) and J. Conrad Seneca, d.b.a. Six Nations Manufacturing intends to market and sell the Senate and Gator brands. The Buffalo brand is the other brand we manufacture at this time. Six Nations Manufacturing June 2, 2010 health warning statement plan for the Buffalo Brand was approved on June 7, 2010.

Senate cigarettes will be manufactured in the following variety of styles:

- (1) Full Flavor King Size Box
- (2) Smooth King Size Box
- (3) Menthol King Size Box
- (4) Menthol Smooth King Size Box
- (5) Ultra Smooth King Size Box
- (6) Non-Filter King Size Box
- (7) Full Flavor 100's Size Box
- (8) Smooth 100's Size Box
- (9) Menthol 100's Size Box
- (10) Menthol Smooth 100's Size Box
- (11) Ultra Smooth 100's Size Box

Gator cigarettes will be manufactured in the following variety of styles:

- (1) Full Flavor King Size Box
- (2) Smooth King Size Box
- (3) Menthol King Size Box
- (4) Menthol Smooth King Size Box
- (5) Ultra Smooth King Size Box
- (6) Non-Filter King Size Box
- (7) Full Flavor 100's Size Box
- (8) Smooth 100's Size Box
- (9) Menthol 100's Size Box
- (10) Menthol Smooth 100's Size Box
- (11) Ultra Smooth 100's Size Box

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons exactly as shown on the samples submitted with this letter. Under Section 1333(c)(2) J. Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Senate and Gator brands for the one year period beginning on the date of approval of this plan. Six Nations Manufacturing qualifies for the alternative to quarterly rotation of the warnings on packaging because its sales for fiscal year 2010 for all its brands styles was less than ¼ of 1% of all the cigarettes sold in the United States in 2010. Sales figures for fiscal year 2010 for the Buffalo brand are attached as Schedule A. Expected sales figures for Six Nations Manufacturing brands for 2011 are attached as Schedule B.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing plans to use point of sales material to advertise the Senate and Gator brands of cigarettes to consumers. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will use the warning formats that were submitted with the 1985 plans of the five leading U.S. Cigarette Manufacturers and will place the warnings as specified in those plans. The warnings will be rotated quarterly according to Schedule C. Copies of the formats that will be used are attached as Exhibits 1, 2, 3, 4, 5, 6, and 7.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



J. Conrad Seneca, Owner

Enclosures

## Schedule A

Actual annual (January 1, 2010 thru December 31, 2010) production volume by Six Nations Manufacturing for Buffalo Cigarettes by style in cases, cartons, packs and sticks:

Style	Cases	Cartons	Packs	Cigarettes
Buffalo Full Flavor King's Size Box				
Buffalo Smooth King's Size Box				
Buffalo Menthol King's Size Box				
Buffalo Menthol Smooth King's Size Box				
Buffalo Ultra Smooth King's Size Box				
Buffalo Non-Filter King's Size Box				
Buffalo Full Flavor 100's Size Box				
Buffalo Smooth 100's Size Box				
Buffalo Menthol 100's Size Box				
Buffalo Menthol Smooth 100's Size Box				
Buffalo Ultra Smooth 100's Size Box				
Buffalo Full Flavor 100's Size Soft				
Buffalo Smooth 100's Size Soft				
Buffalo Menthol 100's Size Soft				
Buffalo Menthol Smooth 100's Size Soft				
Buffalo Ultra Smooth 100's Size Soft				
Totals				

**Schedule B**

Expected annual (January 1, 2011 thru December 31, 2011) production volume by Six Nations Manufacturing for Senate, Gator & Buffalo Cigarettes by style in cases, cartons, packs and sticks:

Style	Cases	Cartons	Packs	Cigarettes
Senate Full Flavor King's Size Box				
Senate Smooth King's Size Box				
Senate Menthol King's Size Box				
Senate Menthol Smooth King's Size Box				
Senate Ultra Smooth King's Size Box				
Senate Non-Filter King's Size Box				
Senate Full Flavor 100's Size Box				
Senate Smooth 100's Size Box				
Senate Menthol 100's Size Box				
Senate Menthol Smooth 100's Size Box				
Senate Ultra Smooth 100's Size Box				
Gator Full Flavor King's Size Box				
Gator Smooth King's Size Box				
Gator Menthol King's Size Box				
Gator Menthol Smooth King's Size Box				
Gator Ultra Smooth King's Size Box				
Gator Non-Filter King's Size Box				
Gator Full Flavor 100's Size Box				
Gator Smooth 100's Size Box				
Gator Menthol 100's Size Box				
Gator Menthol Smooth 100's Size Box				
Gator Ultra Smooth 100's Size Box				
Buffalo Full Flavor King's Size Box				
Buffalo Smooth King's Size Box				
Buffalo Menthol King's Size Box				
Buffalo Menthol Smooth King's Size Box				
Buffalo Ultra Smooth King's Size Box				
Buffalo Non-Filter King's Size Box				
Buffalo Full Flavor 100's Size Box				
Buffalo Smooth 100's Size Box				
Buffalo Menthol 100's Size Box				
Buffalo Menthol Smooth 100's Size Box				
Buffalo Ultra Smooth 100's Size Box				
Buffalo Full Flavor 100's Size Soft				
Buffalo Smooth 100's Size Soft				
Buffalo Menthol 100's Size Soft				
Buffalo Menthol Smooth 100's Size Soft				
Buffalo Ultra Smooth 100's Size Soft				
Totals				

## **Schedule C**

### **Rotation Schedule for Advertising and Promotional Materials**

<b>Quarter</b>	<b>Buffalo</b>	<b>Senate</b>	<b>Gator</b>
<b>Q1 Jan - Mar</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>Q2 Apr - Jun</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Q3 Jul - Sep</b>	<b>C</b>	<b>D</b>	<b>A</b>
<b>Q4 Oct - Dec</b>	<b>D</b>	<b>A</b>	<b>B</b>

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

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

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

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

Selected packaging samples from those  
submitted with the plan.

Made in USA



MADE IN USA  
TP-NY-15033

UNDERAGE  
SALE  
PROHIBITED

2

# SENATE

100's Box  
Full Flavor



Made in USA



# SENATE™

Box

Full Flavor

100's

Filter Cigarettes

Full Flavor

100's Box

# SENATE

Filter Cigarettes

100's

Full Flavor

Box

# SENATE™



663039

6N-FS-01098  
CM

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



CLASS A  
20  
CIGARETTES

MADE IN USA

SENATE

200 CLASS CIGARETTES

200 CLASS A CIGARETTES

UNDERAGE SALE PROHIBITED



Made in USA

SENATE™

Box

Non Filter  
Kings

200 CLASS A CIGARETTES

SENATE

Non Filter  
Kings Box



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

Kings

NON FILTER

Box

Made in USA





CLASS A  
20  
CIGARETTES

BOX  
20  
CLASS A CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

8

MADE IN USA  
**GATOR**  
KINGS  
FULL FLAVOR BOX

20  
CLASS A CIGARETTES

BOX

**GATOR**



KINGS

FULL FLAVOR

MADE IN USA

029723  
MOR

FULL FLAVOR BOX

MADE IN USA  
**GATOR**  
KINGS

6N-FS-01081  
PW

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

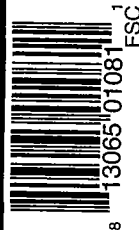
MADE IN USA

FULL FLAVOR

KINGS



**GATOR**



FSC

**GATOR**

PRODUCED BY SIX CIGARETTES MANUFACTURING  
A BATAVE COMPANY ON THE SEVERIDGE  
PROPERTY OF THE SEVERIDGE GROUP  
MADE IN USA  
TP-204-15032

UNDERAGE SALE PROHIBITED

100'S  
MENTHOL  
SMOOTH  
BOX  
**GATOR**

200  
CLASS A CIGARETTES

PRODUCED BY SIX NATIONS MANUFACTURING  
AN ALIEN COMPANY ON THE SOVEREIGN  
TERRITORY OF THE SENECAGATION  
MADE IN USA  
TP-NV-15038

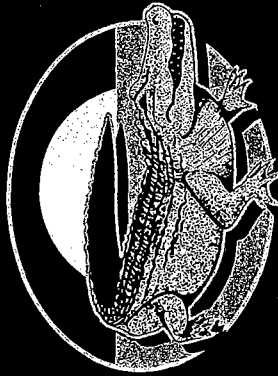
200  
CLASS A CIGARETTES

**GATOR**

MENTHOL SMOOTH

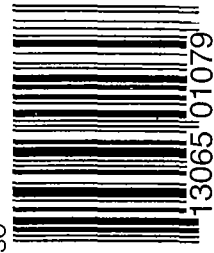
100'S

BOX



MADE IN  
USA

FSC



100'S  
MENTHOL  
SMOOTH  
BOX  
**GATOR**

200  
CLASS A CIGARETTES

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



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

February 23, 2011

J. Conrad Seneca  
Six Nations Manufacturing  
11359 Southwestern Blvd.  
P.O. Box 377  
Irving, NY 14081

Dear Mr. Seneca:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by J. Conrad Seneca, d/b/a Six Nations Manufacturing ("Six Nations") on February 8, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to ten square feet in size for the Senate and Gator brands of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Senate and Gator brands.

Six Nations's plan for rotation of the warnings in advertising up to 10 square feet in size for the Senate and Gator brands is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Six Nations'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 February 8, 2011 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Six Nations's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **February 22, 2012**:

- Eleven Box varieties of the Senate brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), and Non-Filter Kings; and
- Eleven Box varieties of the Gator brand: Full Flavor (Kings and 100's), Smooth

(Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), and Non-Filter Kings.


Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers. Moreover, the FSPTCA's "modified risk tobacco provisions" address the use of descriptors such as "light." You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle  
Associate Director

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

# JOSEPH T. WONG

Attorney at Law

100 LAFAYETTE STREET, 7TH FLOOR  
NEW YORK, NEW YORK 10013

TEL. (212) 966-6699  
FAX (212) 431-6773

February 18, 2011

Federal Trade Commission  
Division of Advertising Practice  
601 New Jersey Avenue NW  
Room NJ 3212  
Washington, DC 20580

Attn: Mary K. Engle, Associate Director

**Re: Federal Cigarette Labeling Approval**  
**Double Happiness Brand**

Dear Ms. Engle:

Please be advised that my office represents the interest of Konci G & D Management Group (USA) Inc. (hereinafter referred to as "Konci"), a New York Corporation, licensed to import tobacco products under 26 U.S.C. Chapter, permit number NY-TI-75. *Konci has moved there offices to 139 Centre Street, suite 510, New York, New York 10013, (646) 613-9393, Ext. 201.* Dominic Chu remains the sole owner of Konci and acts as its President.

The health warnings on the sample packs and cartons for the Double Happiness Lights King Size Box brand style of the Double Happiness brand were submitted in October 31, 2001 and the warning display plan was approved on December 5, 2001.

Konci's warning statement plan for the Double Happiness King Size Filtered Box variety was approved on July 24, 2002. The health warnings on the packs and cartons of Double Happiness King Size Filtered Box variety for the Double Happiness Brand will continue to appear exactly as shown on the sample packs and cartons submitted with our cover letter of July 19, 2002.

We are now submitting for approval NEW sample packs, cartons and warning labels for the brand style formerly as Double Happiness Lights King Size Box. The name of this Brand style has been changed from Double Happiness Lights King Size Box to Double Happiness King Size Box. The packaging for the Double Happiness King Size Box

February 18, 2011

brand style has a yellow background whereas the packaging for the Double Happiness King Size Filtered Box brand style has a gray background.

The health warnings on the Double Happiness King Size Box brand style in yellow background packaging will appear exactly as shown on the sample packs and cartons submitted with our cover letter of September 7, 2010.

The warnings are as follows:

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

In addition to the Double Happiness King Size Box brand style with yellow background packaging, Konci currently imports the Chungwa brand and the Double Happiness King Size Filtered Box brand style with gray background packaging. We propose to modify the current rotation schedule for the Double Happiness King Size Filtered Box brand style in gray background packaging to coincide with the rotation schedule for the Double Happiness King Size Box brand style in yellow background packaging.

The four (4) cigarette health warnings will be rotated quarterly on the packs and cartons of all brands styles currently imported by Konci according to the following schedule:

	Chungwa	Double Happiness King Size Filtered Box With Gray Background Packaging	Double Happiness King Size Box With Yellow Background Packaging
1 <sup>st</sup> Quarter (Jan. – Mar.)	A	B	B
2 <sup>nd</sup> Quarter (Apr. – June)	B	C	C
3 <sup>rd</sup> Quarter (July – Sept.)	C	D	D
4 <sup>th</sup> Quarter (Oct. – Dec.)	D	A	A

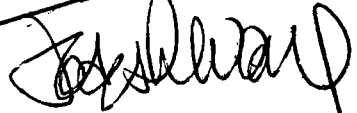
Konci shall maintain records reflecting the dates of the order, importation and the warning displayed with each import. The rotation will be based on the date the order(s) are placed.

Konci has no plans of advertising for the Double Happiness brand at this time. In the event Konci decides to advertise in the future they will submit a plan for the display of the warning statements in advertising to the Federal Trade Commission (FTC) for consideration prior to engaging in any advertising for the Double Happiness Brand.

February 18, 2011

Please do not hesitate to call me should you have any questions or comments regarding this matter. We look forward to hearing from you.

Very truly yours,



Joseph T. Wong

Selected packaging samples from those  
submitted with the plan.



20



UNDERAGE  
SALE  
PROHIBITED

YY  
+

紅雙喜

A1

美国版-1

DOUBLE HAPPINESS

囍

*Cigarettes*

PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO (GROUP) CORPORATION, CHINA

紅雙喜



PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO (GROUP) CORPORATION, CHINA



囍

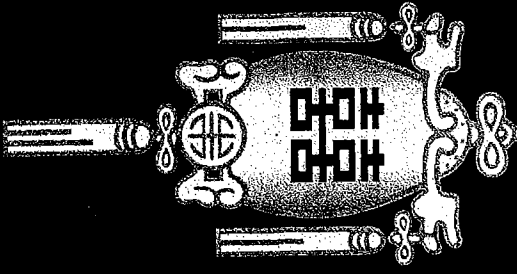
SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer,  
Heart Disease, Emphysema,  
And May Complicate Pregnancy.

喜喜

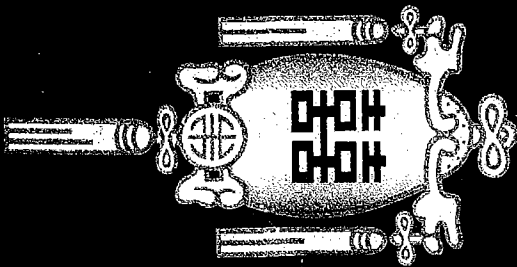
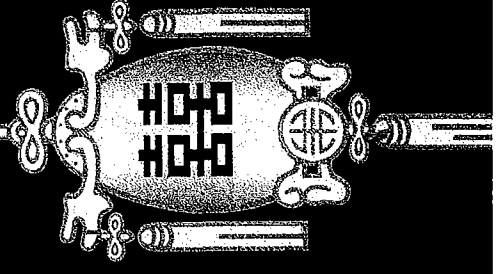
DOUBLE  
HAPPINESS

DOUBLE  
HAPPINESS

FILTER CIGARETTES



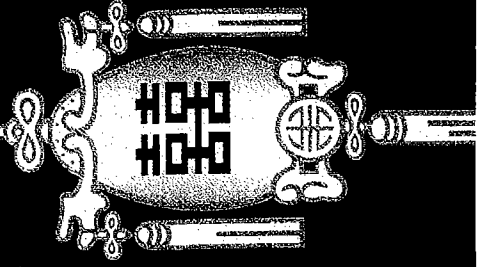
SURGEON GENERALS  
WARNING: Smoking By  
Pregnant Women May Result  
in Fetal Injury, Premature  
Birth, And Low Birth Weight.



200

UNDERAGE  
SALE  
PROHIBITED

PRODUCED BY SHANGHAI CIGARETTE FACTORY  
SHANGHAI TOBACCO (GROUP) CORPORATION, CHINA



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

February 25, 2011

Joseph T. Wong, Esq.  
100 Lafayette Street, 7<sup>th</sup> Floor  
New York, NY 10013

Dear Mr. Wong:

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. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, Konci G & D Management Group (USA) Inc.'s ("Konci") December 4, 2001 plan for quarterly rotation of the four health warnings on packaging for the Double Happiness Lights Kings box variety of the Double Happiness brand of cigarettes, and Konci's July 19, 2002 plan for quarterly rotation of the warnings on packaging for the Double Happiness Filtered Kings box variety were approved on December 5, 2001 and July 24, 2002, respectively.

As described in your letter dated February 18, 2011, you now propose to: (1) modify the packaging design and change the name of the "Double Happiness Lights" Kings box variety of the Double Happiness brand to "Double Happiness" Kings box (yellow packaging); and (2) modify Konci's previously approved schedule for quarterly rotation of the health warnings on packaging for the Filtered Kings box variety of the Double Happiness brand.

It appears that the health warnings on the sample packs and cartons for the Double Happiness Kings box variety (yellow packaging) submitted with your letter dated September 7, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Konci's modification of its plan for quarterly rotation of the health warnings on packaging for the Double Happiness Filtered Kings box variety is also hereby approved.

If Konci decides to advertise the Double Happiness 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.

Joseph T. Wong, Esq.  
February 25, 2011  
Page 2

Please note that this letter is not 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 FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director



900 Church Street  
Bowling Green, KY 42101  
Tel. (270) 781-9100  
Fax (270) 781-7192

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

February 1, 2011

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

Dear Ms. Engle:

The following provides the 2011 Cigarette Labeling Rotation plan for the Rave brand of Lignum-2 Inc., 900 Church Street, Bowling Green, KY 42101:

This requests approval of a plan to conduct manufacturing operations so that the four health warnings specified in 15 U.S.C. 1331, Section 4 (a) (1), Federal Cigarette Labeling And Advertising Act, shall appear on the packs and cartons of each brand style of Rave cigarettes, an equal number of times during the twelve month period starting from the date this plan is approved by the FTC. During 2011, the Rave brands will be offered in nine styles as listed in Exhibit A. Rave is the only brand that Lignum-2 manufactures.

Based on sales volume for the one year period ending December 31, 2010, none of the Rave styles exceed one-fourth of one percent of cigarettes sold in the United States. Sales volume for each of the Rave styles is reported in the attached Exhibit B. Industry sales for the corresponding one year period ending December 31, 2010 are estimated to be 303.0 billion units. The sources of industry sales are The Maxwell Report: Third Quarter (November, 2010) and MSA shipment volume estimates for the 4<sup>th</sup> Quarter 2010 (January, 2011).

Lignum-2 total sales volume for 2010 was [REDACTED] units. Lignum-2 estimated total sales volume for 2011 is [REDACTED] units. Lignum-2 sales volume is measured on a calendar year.

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

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

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

If you require any additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. H. Melton", with a long horizontal flourish extending to the right.

William H. Melton  
Vice President

EXHIBIT A

LIGNUM-2 RAVE BRAND  
LABELING ROTATION PLAN

BRAND STYLES AS OF FEBRUARY 1, 2011

BRAND STYLE

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

EXHIBIT B

LIGNUM-2  
UNIT SALES VOLUME  
BY STYLE  
(STICKS IN 000s)  
2010

BRAND STYLE

STICKS

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

TOTAL







UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

February 28, 2011

William H. Melton  
Lignum-2, Inc.  
900 Church Street  
Bowling Green, KY 42101

Dear Mr. Melton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Lignum-2, Inc. ("Lignum-2") on February 1, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Rave brand of cigarettes.

Lignum-2's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 12, 2010<sup>1</sup> appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Lignum-2's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine varieties of the Rave brand effective on the date of this letter through **February 27, 2012**:

- Red Kings box, Red 100's (soft pack and box), Gold Kings box, Gold 100's (soft pack and box), Menthol Kings box, and Menthol 100's (soft pack and box).

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

Please note that this letter only approves Lignum-2's cigarette health warning statement

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<sup>1</sup> Lignum-2 stated in its February 1, 2011 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on January 12, 2010.

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

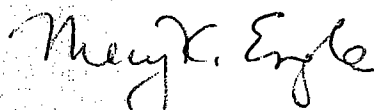
William H. Melton  
February 28, 2011  
Page 2

rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Lignum-2's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Lignum-2's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Lignum-2's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents.

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director

# Global Trading, INC.

2605 North Van Buren, Enid, OK 73703 Tel: 1-877-580-5506 Fax: 580-237-0610

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From: Global Trading, Inc.  
2605 North Van Buren  
Enid, OK 73703  
Tel: 1-877-580-5506  
Fax: 580-237-0610

To: Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Ave. NW Room NJ 3212  
Washington DC, 20580  
Fax: 202-326-3259

February 28, 2011

Dear Ms. Engle,

The following is a plan submitted for approval by your department for the quarterly rotation of warnings for the Surgeon General's Warning Labels as required by the Federal Cigarette Labeling and Advertising Act.

Global Trading Inc. has had a previous plan approved by your department for the "Carnival" brand.

Justin Phillips will be the assigned contact person for the "Timeless Time" brand.

Specifications and rotation of the warning labels will comply with specifications stated in the Federal Cigarette Labeling and Advertising Act. We will keep records demonstrating compliance with this plan.

Global Trading does not import or manufacture any other brand than Carnival and Timeless Time. We will import from the Republic of Korea to the United States of America the brand Timeless Time in the following styles:

Timeless Time Red 100 Box  
Timeless Time Blue 100 Box  
Timeless Time Silver 100 Box  
Timeless Time Menthol 100 Box  
Timeless Time Menthol Green 100 Box

Timeless Time Red King Box  
Timeless Time Blue King Box  
Timeless Time Silver King Box  
Timeless Time Menthol King Box  
Timeless Time Menthol Green King Box

I. Packaging

A.) Warning Label Size and Location: We will display the four health warnings on the cigarette packs and cartons exactly as shown on the samples for the Blue kings and 100's box varieties submitted with my January 26<sup>th</sup>, 2011 letter and the revised samples for the remaining eight listed varieties that were submitted with my February 22<sup>nd</sup>, 2011 letter.

B.) Warning Label Rotation: Beginning on the date of approval of this plan, we will rotate the warnings on the packs and cartons of the Timeless Time brand based upon production date of the packaging according to the schedule set out below.

The following will be the Surgeon General's rotation schedule for Carnival and Timeless Time cigarettes:

	Carnival Brand	Timeless Time
1 <sup>st</sup> Quarter (Jan – Mar.)	B	A
2 <sup>nd</sup> Quarter (Apr – June)	D	B
3 <sup>rd</sup> Quarter (July – Sept.)	C	D
4 <sup>th</sup> Quarter (Oct. – Dec.)	A	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.

II. Advertising

For the time being, we are not planning to advertise Timeless Time Cigarettes in the United States. Prior to advertising, we will submit a plan to the FTC explaining how we will comply with the requirements of the Cigarette Act for advertising. An Advertising Plan is currently pending for the Carnival Brand.

We hope everything is to your satisfaction and look forward to your approval.

Thank you for your consideration.



Date: FEB 28 - 2011

\_\_\_\_\_  
Dongwon Lee Marketing Director Global Trading, Inc.

Selected packaging samples from those  
submitted with the plan.



timeless  
TIME

20 CLASS A FILTER CIGARETTES

timeless  
TIME  
BLUE

timeless  
TIME



RENOVATE  
PEACEFUL MIND

BLUE

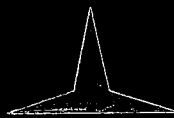
20 CLASS A FILTER CIGARETTES  
American Blend

timeless  
TIME  
BLUE

20 CLASS A FILTER CIGARETTES  
American Blend

BLUE

RENOVATE  
PEACEFUL MIND



PRINTERS MARKS



S



S



6 89490 00087 7

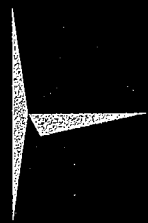


FSC

timeless  
TIME  
MADE IN KOREA

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

timeless  
**TIME**



**MENTHOL 100'S**  
200 CLASS A FILTER CIGARETTES  
**American Blend**

timeless  
**TIME**

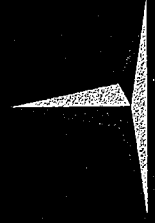
**MENTHOL 100'S**

RENOVATE  
PEACEFUL MIND

 KOREA TOBACCO & GINSENG CORP.

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

timeless  
**TIME**



FSC

MADE IN KOREA



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

February 28, 2011

Dongwon Lee  
Global Trading, Inc.  
2605 North Van Buren  
Enid, OK 73703

Dear Mr. Lee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Global Trading, Inc. on February 28, 2011, calling for quarterly rotation of the four health warnings on packaging for certain varieties of the Timeless Time brand of cigarettes.

The warnings on the sample packs and cartons submitted with your letters dated January 26 and February 22, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Global Trading's plan for quarterly rotation of the four health warnings on packaging for the Timeless Time brand is hereby approved for the following ten box varieties: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Green (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.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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<sup>1</sup> Although the warnings on the sample packaging (other than the "Blue" varieties) submitted on January 26, 2011 were not sufficiently conspicuous, corrected samples were submitted on February 22, 2011. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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

Dongwon Lee  
February 28, 2011  
Page 2

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

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

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

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

If you have any questions regarding this approval, please contact Mariel Woods at-- (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director

**D Cube LLC dba  
Sovereign Tobacco Co.**  
55 Territory Road Oneida, New York 13421  
Tel (315) 829-8448 Fax (315) 829-8454

February 28, 2011

**VIA FEDEX**

Ms. Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, DC 20580

**Re: Cigarette Health Warning Rotation Plan**

Dear Ms. Engle:

On August 3, 2010, the Federal Trade Commission (the "Commission") approved a cigarette health warning rotation plan submitted by D Cube LLC dba Sovereign Tobacco Co. (the "Manufacturer") for the cigarette brand styles listed in Schedule A that expires on August 2, 2011. Through the date of this letter, the Surgeon General's warnings on the packages for the Manufacturer's brands styles listed on Schedule A have been equalized in accordance with this plan.

The purpose of this letter is to request that a warning rotation plan be approved for the one-year period beginning on the date of your approval for the cigarette brand styles listed on Schedule B. Sample packs and outer cartons for the cigarette brand styles listed on Schedule B were enclosed with our letter dated February 9 and one sample outer carton is enclosed with this letter. The actual packs and cartons to be manufactured and sold will be identical to the samples submitted with these letters.

Upon approval, the Manufacturer intends to manufacture and sell the cigarette brand styles listed on Schedule B, along with the brands styles listed on Schedule A already being manufactured, at its factory located in Oneida, New York in the United States (for a one-year period commencing upon FTC approval).

The total number of cigarettes manufactured and sold by the Manufacturer in fiscal year 2010 is set forth in Schedule C and did not exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishop or North Country (the only brands manufactured by the Manufacturer in 2010). I anticipate that in 2011, the total number of cigarettes manufactured and sold will not exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishop, North Country, Great Country or Cool Harbor.

In accordance with Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act (the "Act"), and based upon anticipated annual sales quantities (i.e., total sales will be less than one-fourth of one percent of total cigarettes sold in the United States, and the brand styles of the cigarettes manufactured meet this low sales threshold), the Manufacturer requests that it be allowed to use the rotation plan using the alternative method to the quarterly rotation plan described in Section 1331(c)(1) of the Act for the brand styles listed on Schedule B.


As a "small" manufacturer by virtue of the information set forth above, the Manufacturer states as its plan of rotation that the labels described in Section 1333(a)(2) of the Act and listed on Schedule D attached to this letter shall appear on the packages and cartons of the cigarette brand styles listed on Schedule B an equal number of times for the one year period commencing on the date of approval of this plan. We will keep records demonstrating compliance with this plan.

The Manufacturer submitted a plan for advertising (other than outdoor billboard advertising) and outdoor billboard advertising for the Niagara's, North Country and Bishop brands on December 4, 2009 which was approved by the Commission on December 17, 2009. The Manufacturer submitted a request to renew the advertising plan on July 7, 2010 which was approved by the Commission on August 3, 2010. The Manufacturer is submitting a request to the Commission to amend the advertising plan to reflect the new brand styles listed in Schedule B of this letter under a separate letter.

The Manufacturer believes that the foregoing plan complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act and respectfully requests approval of this plan.

Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent to my attention at the above addresses (with a copy faxed to 315-361-8009). If you have any questions concerning the plan I have described, or need additional information, please call Paul Dominski at (315) 361-8262. Your prompt attention to this matter is greatly appreciated.

Sincerely,



Joe Fliss

General Manager of Operations

**SCHEDULE A**

<u>BRAND</u>	<u>PACK TYPE</u>	<u>BRAND STYLES</u>	<u>DATE PACKAGING SUBMITTED TO THE FTC</u>	<u>DATE PLAN APPROVED BY FTC</u>	<u>DATE PLAN EXPIRES</u>
BISHOP	SOFT	<ul style="list-style-type: none"> <li>• Full Flavor Soft Kings</li> <li>• Soft Kings (Dark Blue)</li> <li>• Soft Kings (Blue)</li> <li>• Menthol Soft Kings</li> <li>• Menthol Soft Kings (Green)</li> <li>• Full Flavor Soft 100s</li> <li>• Soft 100s (Dark Blue)</li> <li>• Soft 100s (Blue)</li> <li>• Menthol Soft 100s</li> <li>• Menthol Soft 100s (Green)</li> </ul>	April 19, 2005; May 24, 2010; & June 17, 2010	August 3, 2010	August 2, 2011
BISHOP	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s</li> <li>• Menthol Box 100s (Green)</li> </ul>	May 24, 2010 & June 17, 2010	August 3, 2010	August 2, 2011
NIAGARA'S	SOFT	<ul style="list-style-type: none"> <li>• Full Flavor Soft Kings</li> <li>• Soft Kings (Dark Blue)</li> <li>• Soft Kings (Blue)</li> <li>• Menthol Soft Kings</li> <li>• Menthol Soft Kings (Green)</li> <li>• Full Flavor Soft 100s</li> <li>• Soft 100s (Dark Blue)</li> <li>• Soft 100s (Blue)</li> <li>• Menthol Soft 100s</li> <li>• Menthol Soft 100s (Green)</li> </ul>	October 16, 2002; October 7, 2003; November 29, 2003; May 24, 2010; & June 17, 2010	August 3, 2010	August 2, 2011
NIAGARA'S	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s</li> <li>• Menthol Box 100s (Green)</li> </ul>	August 11, 2009; September 15, 2009; May 24, 2010; & June 17, 2010	August 3, 2010	August 2, 2011
NORTH COUNTRY	SOFT	<ul style="list-style-type: none"> <li>• Full Flavor Kings</li> </ul>	May 22, 2009	August 3, 2010	August 2, 2011

**SCHEDULE B**

<u>BRAND</u>	<u>PACK TYPE</u>	<u>BRAND STYLES</u>	<u>DATE PACKAGING SUBMITTED TO THE FTC</u>
GREAT COUNTRY	SOFT	<ul style="list-style-type: none"> <li>• Full Flavor Soft Kings</li> <li>• Soft Kings (Dark Blue)</li> <li>• Soft Kings (Blue)</li> <li>• Menthol Soft Kings (Dark Green)</li> <li>• Menthol Soft Kings (Green)</li> <li>• Full Flavor Soft 100s</li> <li>• Soft 100s (Dark Blue)</li> <li>• Soft 100s (Blue)</li> <li>• Menthol Soft 100s (Dark Green)</li> <li>• Menthol Soft 100s (Green)</li> </ul>	February 9, 2011
GREAT COUNTRY	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings (Dark Green)</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s (Dark Green)</li> <li>• Menthol Box 100s (Green)</li> </ul>	February 9, 2011
COOL HARBOR	SOFT	<ul style="list-style-type: none"> <li>• Menthol Soft Kings (Dark Green)</li> <li>• Menthol Soft Kings (Green)</li> <li>• Menthol Soft 100s (Dark Green)</li> <li>• Menthol Soft 100s (Green)</li> </ul>	February 9, 2011
COOL HARBOR	BOX	<ul style="list-style-type: none"> <li>• Menthol Box Kings (Dark Green)</li> <li>• Menthol Box Kings (Green)</li> <li>• Menthol Box 100s (Dark Green)</li> <li>• Menthol Box 100s (Green)</li> </ul>	February 9, 2011

**SCHEDULE C**

<u>BRAND STYLE</u>	<u>NUMBER OF CIGARETTES SOLD IN FY 2010</u>
BISHOP Full Flavor Soft 100s	
BISHOP Soft 100s (Dark Blue)	
BISHOP Soft 100s (Blue)	
BISHOP Menthol Soft 100s	
BISHOP Menthol Soft 100s (Green)	
BISHOP Full Flavor Soft Kings	
BISHOP Soft Kings (Dark Blue)	
BISHOP Soft Kings (Blue)	
BISHOP Menthol Soft Kings	
BISHOP Menthol Soft Kings (Green)	
BISHOP Full Flavor Box 100s	
BISHOP Box 100s (Dark Blue)	
BISHOP Box 100s (Blue)	
BISHOP Menthol Box 100s	
BISHOP Menthol Box 100s (Green)	
BISHOP Full Flavor Box Kings	
BISHOP Box Kings (Dark Blue)	
BISHOP Box Kings (Blue)	
BISHOP Menthol Box Kings	
BISHOP Menthol Box Kings (Green)	
NIAGARA'S Full Flavor Soft 100s	
NIAGARA'S Soft 100s (Dark Blue)	
NIAGARA'S Soft 100s (Blue)	
NIAGARA'S Menthol Soft 100s	
NIAGARA'S Menthol Soft 100s (Green)	
NIAGARA'S Full Flavor Soft Kings	
NIAGARA'S Soft Kings (Dark Blue)	
NIAGARA'S Soft Kings (Blue)	
NIAGARA'S Menthol Soft Kings	
NIAGARA'S Menthol Soft Kings (Green)	
NIAGARA'S Full Flavor Box 100s	

NIAGARA'S Box 100s (Dark Blue)		
NIAGARA'S Box 100s (Blue)		
NIAGARA'S Menthol Box 100s		
NIAGARA'S Menthol Box 100s (Green)		
NIAGARA'S Full Flavor Box Kings		
NIAGARA'S Box Kings (Dark Blue)		
NIAGARA'S Box Kings (Blue)		
NIAGARA'S Menthol Box Kings		
NIAGARA'S Menthol Box Kings (Green)		
NORTH COUNTRY Full Flavor Soft Kings		



## SCHEDULE D

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

**D Cube LLC dba  
Sovereign Tobacco Co.**  
55 Territory Road Oneida, New York 13421  
Tel (315) 829-8448 Fax (315) 829-8454

February 28, 2011

**VIA FEDEX**

Ms. Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, DC 20580

**Re: Plan for Rotational Health Warnings on Cigarette Advertising and Outdoor Billboard Advertisement**

Dear Ms. Engle:

Paragraphs 1, 2 and 3 of Subsection (a) of Section 4 of the Federal Cigarette Labeling and Advertising Act, as amended (15 U.S.C. § 1331) (the "Act"), provide for the placement of certain label statements on advertisements and outdoor billboard advertisements for cigarettes within the United States. On August 3, 2010, the Federal Trade Commission (the "Commission") approved a health warning label rotation plan submitted by D Cube, LLC dba Sovereign Tobacco Co. (the "Manufacturer") for advertisements and outdoor billboard advertisements for the Bishop, Niagara's and North Country cigarette brands. The purpose of this letter is to amend the plan for the display of health warnings in advertisements and outdoor billboards to add the Great Country and Cool Harbor brands and remove the North Country brand.

The Manufacturer will use the warning formats that were submitted with the 1985 plans of the five leading cigarette manufacturers and the Manufacturer will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out in Schedules A and B.

**1. Advertisements (other than outdoor billboard advertisements)**

Upon approval of this Plan, the following label statements required by Section 4(a)(2) of the Act to be placed in advertisements (other than outdoor billboard advertisements) within the United States shall be rotated in accordance with the schedule set out in Schedule A:

- 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 Manufacturer intends to conduct advertising up to 160 square feet in size (Category 1 through Category 11 as set forth in Commission's Memorandum to Potential Cigarette Manufacturers dated October 15, 2004). Copies of the warning formats for advertising for Categories 1, 2, 3, 4, and 5 were previously submitted to the FTC as exhibits to a letter dated December 2, 2009. Copies of the warning formats for advertising for Categories 11(a) and 11(b) were previously submitted to the FTC as exhibits to a letter dated October 28, 2009. Copies of the warning formats for advertising for Categories 6, 7, 8, 9, 10, 11(c) and 11(d) were previously submitted to the FTC as exhibits to a letter dated September 28, 2009.

## 2. Outdoor Billboard Advertisements

Upon approval of this Plan, the following label statements required by Section 4(a)(3) of the Act to be placed in outdoor billboard advertisements within the United States shall be rotated in advertisements for each brand of cigarettes in accordance with the schedule set out in Schedule B:

- A. **SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, And Emphysema.
- B. **SURGEON GENERAL'S WARNING:** Quitting Smoking Now Greatly Reduces Serious Health Risks.
- C. **SURGEON GENERAL'S WARNING:** Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.
- D. **SURGEON GENERAL'S WARNING:** Cigarette Smoke Contains Carbon Monoxide.

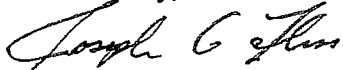
The Manufacturer intends to utilize billboards between 160 and 350 square feet in size (Category 12 as set forth in Commission's Memorandum to Potential Cigarette Manufacturers dated October 15, 2004). Copies of the warning formats for outdoor billboard advertising categories 12(c) and 12(d) were previously submitted to the FTC as exhibits to a letter dated December 2, 2009. Copies of the warning formats for categories 12(a) and 12(b) were previously submitted to the FTC as exhibits to a letter dated September 28, 2009.

## 3. Multiple Brands.

- (a) In advertisements (other than outdoor billboard advertisements) within the United States for more than one brand of cigarettes, the label statement required by Section 4(a)(2) of the Act, as set forth in paragraph 1 hereof, shall be rotated in the same sequence as the Niagara's brand as set forth in Schedule A.
- (b) In outdoor billboard advertisements within the United States for more than one brand of cigarettes, the label statement required by Section 4(a)(3) of the Act, as set forth in paragraph 2 hereof, shall be rotated in the same sequence as Niagara's brand as set forth in Schedule B.

The Manufacturer believes that the foregoing Plan complies with the requirements set forth in the Act and respectfully requests approval of this Plan. Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent to my attention at the above address (with a copy faxed to (315) 361-8009). If you have any questions concerning the Plan I have described, or need additional information, please call Paul Dominski at (315) 361-8262. Your prompt attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph C. Fliss".

Joe Fliss

General Manager of Operations

## SCHEDULE A

### Label Statement Rotation for Advertisements (other than Outdoor Billboard Advertisements) by Brand and Quarter

	BISHOP BRAND	NIAGARA'S BRAND	GREAT COUNTRY BRAND	COOL HARBOR BRAND
1st Quarter (Jan.-Mar.)	Statement A	Statement B	Statement C	Statement D
2nd Quarter (Apr.-June)	Statement B	Statement C	Statement D	Statement A
3rd Quarter (July-Sept.)	Statement C	Statement D	Statement A	Statement B
4th Quarter (Oct.-Dec.)	Statement D	Statement A	Statement B	Statement C

\*Rotation proceeds to 1<sup>st</sup> calendar quarter at the conclusion of fourth calendar quarter.

- 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.

**SCHEDULE B**

**Label Statement Rotation for Outdoor Billboard Advertisements by Brand and Quarter**

	BISHOP BRAND	NIAGARA'S BRAND	GREAT COUNTRY BRAND	COOL HARBOR BRAND
1st Quarter (Jan.-Mar.)	Statement A	Statement B	Statement C	Statement D
2nd Quarter (Apr.-June)	Statement B	Statement C	Statement D	Statement A
3rd Quarter (July-Sept.)	Statement C	Statement D	Statement A	Statement B
4th Quarter (Oct.-Dec.)	Statement D	Statement A	Statement B	Statement C

\*Rotation proceeds to 1<sup>st</sup> calendar quarter at the conclusion of fourth calendar quarter.

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

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

C. **SURGEON GENERAL'S WARNING:** Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

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

Selected packaging samples from those  
submitted with the plan.

**GREAT COUNTRY**

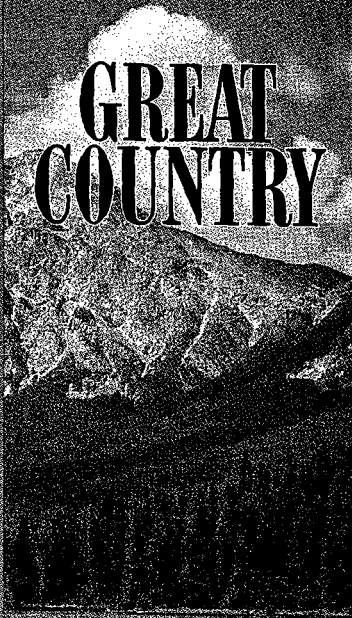
20 CLASS A CIGARETTES

Litharge Prohibited Sale



BOX 100'S

**GREAT COUNTRY**



FULL FLAVOR

SOVEREIGN TOBACCO CO. AMERICAN MADE

20 CLASS A CIGARETTES

BOX 100'S



FSC



20 CLASS A CIGARETTES

SOVEREIGN TOBACCO CO. AMERICAN MADE



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



200 CLASS A CIGARETTES  
SOVEREIGN TOBACCO CO.  
AMERICAN MADE



SOFT KINGS  
**GREAT  
COUNTRY**

UNDERAGE  
SALE  
PROHIBITED

# GREAT COUNTRY

*American Made • Soft Kings*

TP-NY-179



NSC

**GREAT  
COUNTRY**  
SOFT KINGS



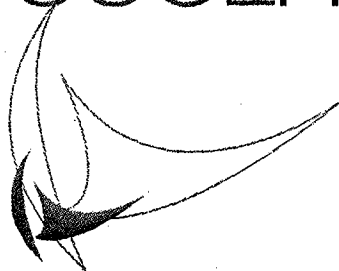
**SURGEON GENERAL'S WARNING: Smoking By  
Pregnant Women May Result in Fetal Injury,  
Premature Birth, And Low Birth Weight.**

*American Made • Soft Kings*

**GREAT  
COUNTRY**

# COOLharBOR

100'S SOFT



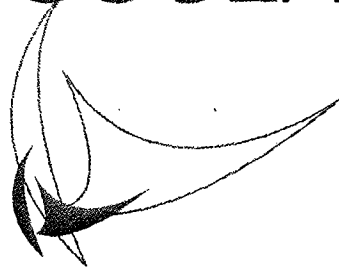
american  
made

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

Underage  
Sale  
Prohibited

# COOLharBOR

100'S SOFT



COOLharBOR  
100'S SOFT

TP-NY-179



FSC

COOLharBOR  
100'S SOFT

NO CLASS A  
Clearance





MENTHOL FULL FLAVOR

COOLHARBOR

UNDERAGE  
SALE  
PROHIBITED

200 CLASS A CIGARETTES  
SOVEREIGN TOBACCO CO.  
AMERICAN MADE

# COOLHARBOR

MENTHOL FULL FLAVOR  
KINGS BOX



TP-NY-179

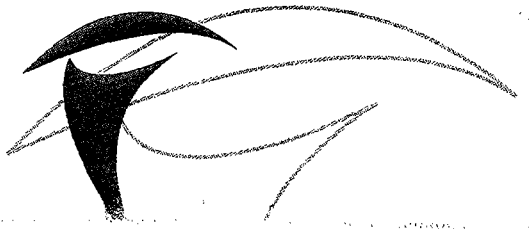
8 14808 72013 4

NET

COOLHARBOR  
MENTHOL FULL FLAVOR



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



MENTHOL FULL FLAVOR  
KINGS BOX



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 2, 2011

Joe Fliss  
D Cube LLC d/b/a Sovereign Tobacco Co.  
55 Territory Road  
Oneida, NY 13421

Dear Mr. Fliss:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters, which together constitute a plan, filed by D Cube LLC d/b/a Sovereign Tobacco Co. (“Sovereign”) on February 28, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to 350 square feet in size for the Great Country and Cool Harbor brands of cigarettes; and (2) simultaneous display (*i.e.* the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Great Country and Cool Harbor brands.

Sovereign’s plan for rotation of the warnings in advertising up to 350 square feet in size for the Great Country and Cool Harbor brands is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Sovereign’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 9 and February 28, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Sovereign’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **March 1, 2012**.<sup>1</sup>

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<sup>1</sup> As set forth in its February 28, 2011 plan, Sovereign is using colors in the names of a number of its cigarette varieties (*e.g.*, “Soft Kings (Blue)”). Although the color names are not printed on the packaging (*e.g.*, the word “Blue” does not appear on the packaging of the “Soft Kings (Blue)” variety), we note that the color used for a variety’s packaging does conform to the color used in its name. We also note that for many of the menthol varieties, the word

Joe Fliss  
March 2, 2011  
Page 2

- Twenty varieties of the Great Country brand: Full Flavor Soft Kings, Soft Kings (Dark Blue), Soft Kings (Blue), Menthol Soft Kings (Dark Green), Menthol Soft Kings (Green), Full Flavor Soft 100's, Soft 100's (Dark Blue), Soft 100's (Blue), Menthol Soft 100's (Dark Green), Menthol Soft 100's (Green), Full Flavor Box Kings, Box Kings (Dark Blue), Box Kings (Blue), Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Full Flavor Box 100's, Box 100's (Dark Blue), Box 100's (Blue), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green); and
- Eight varieties of the Cool Harbor brand: Menthol Soft Kings (Dark Green), Menthol Soft Kings (Green), Menthol Soft 100's (Dark Green), Menthol Soft 100's (Green), Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green).

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

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

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

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"menthol" is not printed on the packaging.

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

Joe Fliss  
March 2, 2011  
Page 3

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in dark ink and is positioned above the printed name and title.

Mary K. Engle  
Associate Director

# LAW OFFICES OF ERIC F. FACER, PLLC

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

March 3, 2011

Via E-mail (mdelossantos@ftc.gov)

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, DC 20580  
Attn: Mark de los Santos

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

Dear Mr. de los Santos:

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

Great Swamp is the manufacturer of the Cayuga brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148. Betty Jane Radford is General Manager. To date, Great Swamp has not manufactured, imported or exported any cigarettes.

Our sales in 2011 are anticipated to be [REDACTED], which should qualify the company for the Section 1333(c)(2) exemption.

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

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

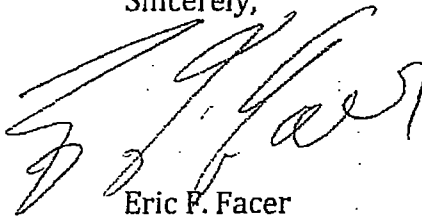
Mr. Mark de los Santos  
March 3, 2011  
Page 2.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our previous letter dated February 18, 2011. Great Swamp will equalize the display of the four health warnings on all packs and cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan and for all succeeding periods. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. Great Swamp will keep records demonstrating compliance with this Plan.

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

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

Sincerely,

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

Eric F. Facer



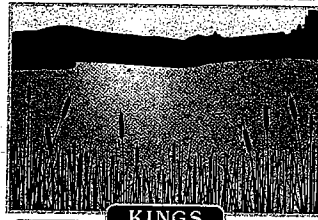
Selected packaging samples from those  
submitted with the plan.

Manufactured by:  
Great Stamp Enterprises, Inc.  
Cayuga Nation Reservation  
via Seneca Falls, NY USA



LC  
00304

# Cayuga



KINGS

MADE IN USA

MADE IN USA

# Cayuga

KINGS

MADE IN USA



KINGS

# Cayuga

CLASS A CIGARETTES



KINGS

# Cayuga

MADE IN USA



KINGS

CLASS A CIGARETTES

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

A031848



12

UNDERAGE  
SALE  
PROHIBITED

MADE IN USA  
TP-NY-15046

# Cayuga

MADE IN USA

CLASS A CIGARETTES

200



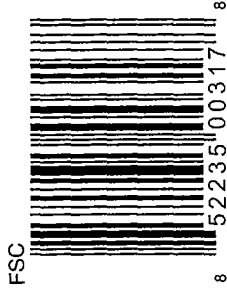
**SURGEON GENERAL'S WARNING:**  
Cigarette Smoke  
Contains Carbon Monoxide.

MADE IN USA  
**Cayuga**

100's

200 CLASS A CIGARETTES

100's



FSC

MADE IN USA  
**Cayuga**

100's

Manufactured by:  
Great Swamp Enterprises, Inc.  
Cayuga Nation Reservation  
via Seneca Falls, NY USA

TP-NY-15046

UNDERAGE SALE PROHIBITED



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 10, 2011

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

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”) on March 3, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes

Great Swamp’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Great Swamp’s plan for simultaneous display of the four health warnings on packaging for the following eleven box varieties of the Cayuga brand listed in its March 3, 2011 letter is hereby approved effective on the date of this letter through **March 9, 2012**: Dark Green (Kings and 100's), Medium Green (Kings and 100's), Red (Kings and 100's), Blue (Kings and 100's), Gold (Kings and 100's), and Light Green 100's.<sup>1</sup>

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

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<sup>1</sup> As set forth in its March 3, 2011 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green Kings”). We note that the color names are not printed on the packaging (*e.g.*, the words “Light Green” do not appear on the packaging of the “Light Green Kings” variety), however, the color used for a variety’s packaging does conform to the color used in its name.

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

Eric F. Facer, Esq.  
March 10, 2011  
Page 2

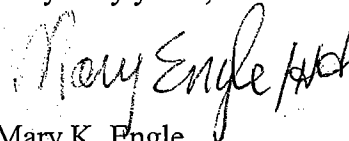
If Great Swamp decides to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers. Moreover, the FSPTCA's "modified risk tobacco provisions" address the use of descriptors such as "light." You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle  
Associate Director

6 Villa Verde Drive, SUITE: 115  
Buffalo Grove, IL-60089  
TEL.847.824.6666  
e-mail: bulgartabak@live.com



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March 8, 2011

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the approval of the Surgeon General Warning rotation plan for the display of the four health warnings on packaging and Internet advertising of the MM cigarette brand. The MM brand will be manufactured by Joseph M. Anderson d/b/a Smokin Joes for Infinity Media Group, Inc. Upon approval of this plan, the contract manufacturer intends to manufacture these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-NY-168).

MM brand cigarettes will be manufactured for Infinity Media Group, Inc. by Smokin Joes in a variety of styles. The following king size box styles of MM cigarettes will be manufactured:

Silver king size box  
White king size box  
Blue king size box  
Menthol king size box

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted with our letter dated February 09, 2011.

Infinity Media Group, Inc. has not yet manufactured cigarettes and believes that its anticipated low sales volume of the MM brand fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the

Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Sales estimates for the next one year period for the styles of MM listed above have been provided on Exhibit A. Infinity Media Group, Inc. does not anticipate that any one brand style of its cigarette brand MM will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan.

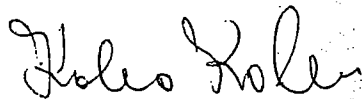
If this plan for the alternative to quarterly rotation of the warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the styles listed above an equal number of times for the one year period beginning on the date of approval of this plan.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

In relation to Internet advertising, the warnings will appear in a legible and conspicuous manner and will be of a size, format, and type as required by the FTC. The warnings on our website, [www.bulgartabak.com](http://www.bulgartabak.com), will be superimposed on the screen and displayed in an unavoidable manner on every webpage advertising cigarettes, where it may be viewed without scrolling, and will not be accessible or displayed through hyperlinks, pop-ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and the size of the warnings will be proportionate to those warning formats and copies of pages showing all four warnings are attached. Regardless of the overall appearance of the web page, a white background consistently embodies the government warning with black type in order to maximize the contrast and visibility of the image. The four cigarette health warnings will be rotated quarterly on the website in accordance with the rotation schedule attached as Exhibit B.

Infinity Media Group, Inc. does not intend to advertise their cigarettes in any form other than the Internet at this time. If Infinity Media Group, Inc. does decide to advertise via other methods such as print media or point of sale materials, we will submit a plan and receive approval prior to doing so.

Infinity Media Group, Inc. is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. Infinity Media Group, Inc. will maintain record of compliance with the approved plan. If there are any questions or concerns regarding this plan, please contact me.

Sincerely,



Nick Kolev  
/President/

Infinity Media Group  
6 Villa Verde Drive, Suite 115  
Buffalo Grove, IL-60089  
Tel.847.824.2222  
e-mail: [kolev64@yahoo.com](mailto:kolev64@yahoo.com)

6 Villa Verde Drive, SUITE: 115  
Buffalo Grove, IL-60089  
TEL.847.824.6666  
e-mail: bulgartabak@live.com



**INFINITY**  
MEDIA GROUP

## EXHIBIT A

PRODUCT MM CIGARETTE BRAND	STICKS (Estimated Stick Sales Figures 2/12/2011-2/11/2012)
Silver King size box	[REDACTED]
White King size box	[REDACTED]
Blue King size box	[REDACTED]
Menthol King size box	[REDACTED]



6 Villa Verde Drive, SUITE: 115  
Buffalo Grove, IL-60089  
TEL.847.824.6666  
e-mail: bulgartabak@live.com



**INFINITY**  
MEDIA GROUP

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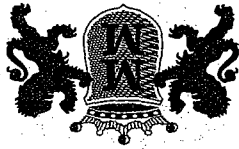
## Exhibit B

### Rotation Schedule for Internet Advertising

Quarter	MM
Q1 Jan, Feb, March	A
Q2 April, May, June	B
Q3 July, Aug, Sept	C
Q4 Oct, Nov, Dec	D

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

Selected packaging samples from those  
submitted with the plan.



MM Menthol

BULGARTABAK.COM



MM  
Menthol  
BULGARTABAK.COM

20 CLASS A CIGARETTES

BULGARTABAK.COM

MM Menthol

20 CLASS A CIGARETTES

BULGARTABAK.COM

Menthol  
MM

UNDERAGE  
SALE  
PROHIBITED

20-02652N10

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



Sale Only Allowed in the United States.





MM<sup>®</sup>

Silver

BULGARTABAK.COM

MM<sup>®</sup>

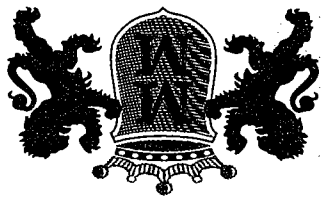
Silver

WWW.BULGARTABAK.COM

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

Silver

MM<sup>®</sup>



Silver

MM

200 CLASS A CIGARETTES

WWW.BULGARTABAK.COM



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 10, 2011

Nick Kolev  
President  
Infinity Media Group  
6 Villa Verde Drive, Suite 115  
Buffalo Grove, IL 60089

Dear Mr. Kolev:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Infinity Media Group (“IMG”) on March 8, 2011, calling for: (1) quarterly rotation of the four health warnings in Internet advertising for the MM brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for four box varieties of the MM brand.

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

IMG’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 9, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, IMG’s plan for simultaneous display of the four health warnings on packaging for the following four king size box varieties of the MM brand is hereby approved effective on the date of this letter through **March 9, 2012**: Silver, White, Blue and Menthol.

Approval of the plan is contingent on its good faith implementation. We may ask for

Nick Kolev  
March 10, 2011  
Page 2

information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers. Moreover, the FSPTCA's "modified risk tobacco provisions" address the use of descriptors such as "light." You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director

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



# Liggett Group

**John R. Long**  
Vice President & General Counsel

Tel 919-990-3516  
Fax 919-990-3505  
jlong@lvbrands.com

February 23, 2011

BY FED EX

Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Room NJ 3212  
Washington, DC 20001  
Attention: Mark De Los Santos

Re: Application to Add One PRYAMID Brand Style  
To Liggett Group Label Statement Rotation Plan

Dear Ms. Engle:

Liggett Group LLC (“Liggett”) hereby applies to add one brand style — PYRAMID Non-Filter Kings Box — to its Label Statement Rotation Plan (the “Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (the “Act”). Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission (“FTC”) on September 19, 1985, and most recently by letter dated June 14, 2010. This application is for a one-year period beginning on the date of approval of this application.

Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette sales in calendar year 2010, which is also Liggett’s most recent fiscal year. This information shows that more than one-half of the brand styles manufactured by Liggett had less than one-fourth of one percent of the total United States cigarette market in 2010. Also shown on Exhibit B is the estimated sales volume of each Liggett brand style in its 2011 fiscal year, which will end December 31, 2011. Liggett expects to sell approximately [REDACTED] cigarettes of the PYRAMID Non-Filter Kings Box brand style in 2011. Accordingly, pursuant to the Act and the Plan, the PYRAMID Non-Filter Kings Box brand style qualifies for simultaneous rotation of the four warnings required by the Act.

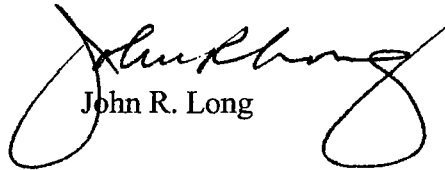
Liggett Group LLC  
Application to Add One PYRAMID Brand Style  
February 23, 2011  
Page 2

Enclosed with this letter are sample packs and cartons of PYRAMID Non-Filter Kings Box displaying each of the four warnings required by the Act. The warnings will appear exactly as shown on these samples. The four warnings required by 15 U.S.C. § 1333(a)(1) will be printed on the packs and cartons of the PYRAMID Non-Filter Kings Box brand style an equal number of times within the one-year period beginning on the date of approval of this application. This will also confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

The information contained in the affidavit and exhibits is confidential and proprietary business information of Liggett. Liggett requests that this information be kept confidential by the FTC, pursuant to applicable rules and procedures.

Thank you for your attention to this matter. If you have any questions, please let me know.

Very truly yours,



John R. Long



Exhibit B

Liggett Group LLC  
 Application to Add One PYRAMID Brand Style  
 Dated February 23, 2010

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold	Estimated 2011 Units
1	BRONSON	Non-Filter Kings Soft Pack			
2	BRONSON	Full Flavor Filter Kings Soft Pack			
3	BRONSON	Full Flavor Filter Kings Box			
4	BRONSON	Full Flavor Filter 100's Soft Pack			
5	BRONSON	Full Flavor Filter 100's Box			
6	BRONSON	Full Flavor Menthol Kings Soft Pack			
7	BRONSON	Full Flavor Menthol 100's Soft Pack			
8	BRONSON	Gold Kings Soft Pack	Lights Kings Soft Pack		
9	BRONSON	Gold Kings Box	Lights Kings Box		
10	BRONSON	Gold 100's Soft Pack	Lights 100's Soft Pack		
11	BRONSON	Gold 100's Box			
12	BRONSON	Silver Kings Soft Pack	Ultra Lights Kings Soft Pack		
13	BRONSON	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack		
14	BRONSON	Gold Menthol Kings Soft Pack	Lights Menthol Kings Soft Pack		
15	BRONSON	Gold Menthol 100's Soft Pack	Lights Menthol 100's Soft Pack		
1	CLASS A	Non-Filter Kings Soft Pack			
2	CLASS A	Full Flavor Filter Kings Soft Pack			
3	CLASS A	Full Flavor Filter 100's Soft Pack			
4	CLASS A	Filter Kings Soft Pack			
5	CLASS A	Filter 100's Soft Pack			
6	CLASS A	Menthol Filter Kings Soft Pack			
7	CLASS A	Menthol Silver 100's Soft Pack	Menthol Ultra Lights 100's Soft Pack		
8	CLASS A	Blue Kings Soft Pack	Ultra Lights Kings Soft Pack		
9	CLASS A	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack		
10	CLASS A	Menthol Filter 100's Soft Pack			
1	EVE	Amethyst 120's Box	Lights 120's Box		
2	EVE	Sapphire 120's Box	Ultra Lights 120's Box		
3	EVE	Menthol Emerald 120's Box	Lights Menthol 120's Box		
4	EVE	Menthol Turquoise 120's Box	Ultra Lights Menthol 120's Box		
1	GRAND PRIX	Non-Filter Classic Kings Soft Pack			
2	GRAND PRIX	Filter Red Kings Soft Pack			
3	GRAND PRIX	Filter Red Kings Box			
4	GRAND PRIX	Filter Red 100s Soft Pack			
5	GRAND PRIX	Filter Red 100s Box			
6	GRAND PRIX	Blue Kings Soft Pack	Lights Blue Kings Soft Pack		
7	GRAND PRIX	Blue Kings Box	Lights Blue Kings Box		
8	GRAND PRIX	Blue 100s Soft Pack	Lights Blue 100s Soft Pack		
9	GRAND PRIX	Blue 100s Box	Lights Blue 100s Box		
10	GRAND PRIX	Orange 100s Soft Pack	Ultra Lights Orange 100s Soft Pack		
11	GRAND PRIX	Orange 100s Box	Ultra Lights Orange 100s Box		
12	GRAND PRIX	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box		
13	GRAND PRIX	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box		
14	GRAND PRIX	Menthol Silver 100s Soft Pack	Menthol Lights Green 100s Soft Pack		
15	GRAND PRIX	Menthol Silver 100s Box	Menthol Lights Green 100s Box		
<b>Note: KINGSPORT brand was discontinued in 2010.</b>					
1	KINGSPORT		LT 100 SP		
2	KINGSPORT		FF 100 SP		
3	KINGSPORT		LT 100 SP MT		
4	KINGSPORT		UL 100 SP		
5	KINGSPORT		FF KS BX		
6	KINGSPORT		LT KS BX		
7	KINGSPORT		FF KS BX MT		
8	KINGSPORT		LT KS SP MT		
1	LIGGETT SELECT	Non-Filter Kings Soft Pack			
2	LIGGETT SELECT	Red Kings Soft Pack	Full Flavor Kings Soft Pack		
3	LIGGETT SELECT	Red Kings Box	Full Flavor Kings Box		
4	LIGGETT SELECT	Red 100's Soft Pack	Full Flavor 100's Soft Pack		
5	LIGGETT SELECT	Red 100's Box	Full Flavor 100's Box		
6	LIGGETT SELECT	Gold Kings Soft Pack	Lights Kings Soft Pack		
7	LIGGETT SELECT	Gold Kings Box	Lights Kings Box		
8	LIGGETT SELECT	Gold 100's Soft Pack	Lights 100's Soft Pack		
9	LIGGETT SELECT	Gold 100's Box	Lights 100's Box		
10	LIGGETT SELECT	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack		
11	LIGGETT SELECT	Silver 100's Box	Ultra Lights 100's Box		
12	LIGGETT SELECT	Menthol Gold Kings Box	Menthol (Full Flavor) Kings Box		
13	LIGGETT SELECT	Menthol Gold 100's Box	Menthol (Full Flavor) 100's Box		
14	LIGGETT SELECT	Menthol Silver Kings Box	Menthol Lights Kings Box		
15	LIGGETT SELECT	Menthol Silver 100's Soft Pack	Menthol Lights 100's Soft Pack		
16	LIGGETT SELECT	Menthol Silver 100's Box	Menthol Lights 100's Box		

**Exhibit B**

**Liggett Group LLC  
Application to Add One PYRAMID Brand Style  
Dated February 23, 2010**

	<b>Brand</b>	<b>Current Brand Style Name</b>	<b>Discontinued Brand Style Name</b>	<b>2010 Units Sold</b>	<b>Estimated 2011 Units</b>
1	MONTEGO	Full Flavor Kings Box			
2	MONTEGO	Full Flavor 100's Box			
3	MONTEGO	Gold Kings Box	Lights Kings Box		
4	MONTEGO	Gold 100's Box	Lights 100's Box		
5	MONTEGO	Blue 100's Box	Ultra Lights 100's Box		
6	MONTEGO	Menthol Kings Box			
7	MONTEGO	Menthol Silver Kings Box	Menthol Lights Kings Box		
8	MONTEGO	Menthol Silver 100's Box	Menthol Lights 100's Box		
9	MONTEGO		Full Flavor Kings Soft Pack		
10	MONTEGO		Lights 100's Soft Pack		
1	PYRAMID	Non-Filter Kings Soft Pack			
2	PYRAMID	Red Kings Box			
3	PYRAMID	Red 100s Box			
4	PYRAMID	Blue Kings Box	Lights Blue Kings Box		
5	PYRAMID	Blue 100s Box	Lights Blue 100s Box		
6	PYRAMID	Orange Kings Box	Ultra Lights Orange Kings Box		
7	PYRAMID	Orange 100s Box	Ultra Lights Orange 100s Box		
8	PYRAMID	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box		
9	PYRAMID	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box		
10	PYRAMID	Menthol Silver Kings Box	Menthol Lights Green Kings Box		
11	PYRAMID	Menthol Silver 100s Box	Menthol Lights Green 100s Box		
12	PYRAMID		Full Flavor Filter Kings Soft Pack		
13	PYRAMID		Full Flavor Filter 100's Soft Pack		
14	PYRAMID		Lights Filter Kings Soft Pack		
15	PYRAMID		Lights Filter 100's Soft Pack		
16	PYRAMID		Ultra Lights Filter 100's Soft Pack		
17	PYRAMID		Lights Menthol Filter 100's Soft Pack		
<b>Note: SINCERELY YOURS brand was discontinued in 2010.</b>					
1	SINCERELY YOURS		LT 100 SP MT		
2	SINCERELY YOURS		UL 100 SP		
3	SINCERELY YOURS		LT 100 SP		
<b>Note: QUALITY brand was discontinued in 2010.</b>					
1	QUALITY		Non-Filter Kings Soft Pack		
2	QUALITY		Filter (Full Flavor) Kings Box		
3	QUALITY		Full Flavor Filter 100's Soft Pack		
4	QUALITY		Lights Kings Soft Pack		
5	QUALITY		Lights 100's Soft Pack		
6	QUALITY		Ultra Lights 100's Soft Pack		
7	QUALITY		Lights Menthol Kings Soft Pack		
8	QUALITY		Lights Menthol 100's Soft Pack		
1	TOURNEY	Non-Filter Kings Soft Pack			
2	TOURNEY	Full Flavor Kings Soft Pack			
3	TOURNEY	Full Flavor Kings Box			
4	TOURNEY	Full Flavor 100's Soft Pack			
5	TOURNEY	Full Flavor 100's Box			
6	TOURNEY	Gold Kings Soft Pack	Lights Kings Soft Pack		
7	TOURNEY	Gold Kings Box	Lights Kings Box		
8	TOURNEY	Gold 100's Soft Pack	Lights 100's Soft Pack		
9	TOURNEY	Gold 100's Box	Lights 100's Box		
10	TOURNEY	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack		
11	TOURNEY	Menthol Full Flavor Kings Box			
12	TOURNEY	Menthol Full Flavor 100's Box			
13	TOURNEY	Menthol Gold Kings Soft Pack	Menthol Lights Kings Soft Pack		
14	TOURNEY	Menthol Gold 100's Soft Pack	Menthol Lights 100's Soft Pack		
15	TOURNEY	Menthol Gold 100's Box	Menthol Lights 100's Box		
16	TOURNEY	Slims Rose 120's Box	Slims Lights 120's Box		
17	TOURNEY	Slims Blue 120's Box	Slims Ultra Lights 120's Box		
18	TOURNEY	Slims Menthol Teal 120's Box	Slims Menthol Lights 120's Box		
<b>Note: YOURS brand was discontinued in 2010.</b>					
1	YOURS		LT 100 SP		
2	YOURS		FF 100 SP		
3	YOURS		LT KS BX		
4	YOURS		LT KS SP		
5	YOURS		UL 100 SP		
6	YOURS		FF KS SP MT		
7	YOURS		FF 100 SP MT		
8	YOURS		FF KS SP		
9	YOURS		LT 100 SP MT		
10	YOURS		NF KS SP		

Selected packaging samples from those  
submitted with the plan.

20  
Class A  
Cigarettes

20  
Class A  
Cigarettes

KINGS BOX

Pyramid  
NON-FILTER

Pyramid

NON FILTER

Pyramid  
NON-FILTER

KINGS BOX

NON-FILTER

Pyramid

418-4983  
NY/NJ  
NY

22  
5  
6

FSC  
114050  
9

WARNING:  
SMOKING IS ADDICTIVE  
LIGGETT GROUP  
MARIANA, NY 27302 1-800-882-3228  
www.liggettgroup.com  
MADE IN U.S.A.

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

**WARNING:  
SMOKING IS ADDICTIVE**

200 CLASS A CIGARETTES  
LIGGETT GROUP  
MEBANE, NC 27302  
[www.liggettgroup.com](http://www.liggettgroup.com)  
1-800-682-3230  
MADE IN U.S.A.

**Pyramid**  
Kings Box  
NON-FILTER

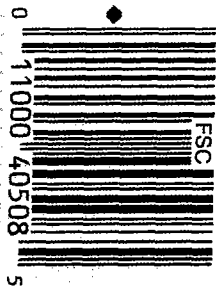
**INGREDIENTS:** Blended tobacco, water, high fructose corn syrup, glycerol, propylene glycol, sugars, casing flavor, natural and artificial flavors. Any questions or problems locating our fine products, call 1-800-682-3230. Please see our website at [www.liggettgroup.com](http://www.liggettgroup.com) for more information.

**Pyramid**  
Kings Box  
NON-FILTER

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

**Pyramid**  
Kings Box  
NON-FILTER

**Kings Box  
NON-FILTER**





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 14, 2011

John R. Long  
Liggett Group LLC  
100 Maple Lane  
Mebane, NC 27302

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, Liggett Group LLC's ("Liggett") June 2, 2010 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes was approved on June 14, 2010.

By letter dated February 23, 2011, you now propose to expand Liggett's plan for display of the warnings on packaging to include one additional variety of the Pyramid brand.

Liggett'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 February 23, 2011 letter continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Liggett's expansion of its plan for simultaneous display of the four health warnings on packaging is hereby approved for the Pyramid Non-Filter Kings Box variety effective on the date of this letter through **March 13, 2012**.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

I wish to remind you that the Commission's June 14, 2010 approval of Liggett's cigarette health warning statement rotation plan for packaging of certain varieties of its brands runs through June 13, 2011, and that this letter does not extend that approval period.

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

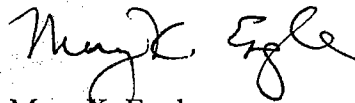
John R. Long  
March 14, 2011  
Page 2

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director

# RENEGADE TOBACCO COMPANY

March 4, 2011

Ms. Mary K. Engle  
Associate Director  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

***RE: Renegade Tobacco Company – Brand Extension for Tracker® Cigarette Labeling  
Rotation Pursuant to 15 U.S.C. §1333(c)(2)***

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for approval of the plan of Renegade Tobacco Company for the display of the health warnings on additional brand styles of its Tracker® cigarette brand. Renegade Tobacco Company's address is 321 Farmington Road, Mocksville, NC 27028.

I, Peter L. Tourtellot, Trustee of Renegade Tobacco Company, confirm and warrant that I will cause Renegade Tobacco Company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly rotated for Tracker® cigarettes. Renegade Tobacco Company will rotate the four warnings simultaneously so that they will appear an equal number of times on the packs and cartons of each of the new brand styles of Tracker® cigarettes it manufactures during the twelve month period following approval of this application. Renegade Tobacco Company will maintain records demonstrating compliance with this plan.

Renegade Tobacco Company will manufacture Tracker® cigarettes under tobacco manufacturing license number NC-TP-631. Renegade Tobacco Company's June 29, 2010 warning statement plan for the packaging for the Tucson®, Barton® and Tracker® brands of cigarettes was approved on June 30, 2010.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month label rotation cycle that Renegade Tobacco Company requests if:

321 FARMINGTON ROAD  
MOCKSVILLE, NORTH CAROLINA 27028  
(336) 940-4818 FAX (336) 940-3669



(i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and

(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

Renegade Tobacco Company's sales for Tucson®, Barton®, and Tracker® brands for fiscal year 2010 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes;
- [REDACTED] sticks of Tucson® brand cigarettes.

Renegade received approval of its warning statement display plan for Barton®, Tucson® and Tracker® in June 2010. Renegade Tobacco Company's projected sales for Tucson®, Tracker®, and Barton® Brands for fiscal year 2011 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes; and
- [REDACTED] sticks of Tucson® brand cigarettes.

Based on its low sales volume, Renegade Tobacco Company qualifies for the alternative to quarterly rotation of the four health warnings on packaging.

During 2011, Renegade Tobacco Company plans to manufacture an additional ten brand styles of Tracker®:

- (1) Red Bear Kings – 84mm – Hard Pack Cigarettes;
- (2) Golden Panther Kings – 84mm – Hard Pack Cigarettes;
- (3) Green Forest Kings – 84mm – Hard Pack Cigarettes;
- (4) Green Mist Kings – 84mm – Hard Pack Cigarettes;
- (5) Blue Eagle Kings – 84mm - Hard Pack Cigarettes;
- (6) Red Bear 100's– 100mm – Hard Pack Cigarettes;
- (7) Golden Panther 100's – 100mm - Hard Pack Cigarettes;

- (8) Green Forest 100's – 100mm - Hard Pack Cigarettes;
- (9) Green Mist 100's – 100mm – Hard Pack Cigarettes; and
- (10) Blue Eagle 100's – 100mm - Hard Pack Cigarettes.

The actual packs and cartons for each brand style of the Tracker® brand with each of the four warnings are submitted with my letter dated February 15, 2011. The warnings will appear exactly as shown on these samples.

Renegade Tobacco Company does not advertise nor does it intend to advertise. Before engaging in advertising, we will submit a plan to the Federal Trade Commissions for the appropriate approvals.

Please let me know if you need any additional information.

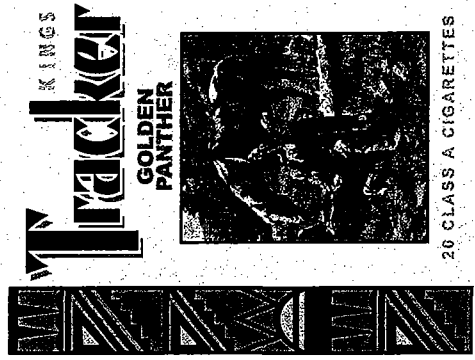
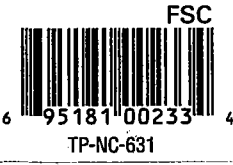
Very truly yours,

*Peter L. Tourtellot* <sup>CBA</sup>

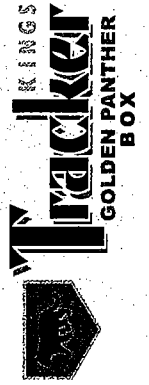
Peter L. Tourtellot  
Trustee

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

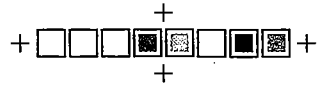
Manufactured by  
Alternative Brands, Inc.  
Mocksville, NC 27028



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



1 2 3 4 5 6 7 8 9 10 11 12 08 09 10 11 12 13 14

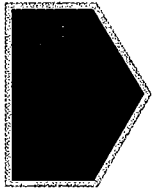


Please  
Don't Litter.



Sale to Minors  
Prohibited

MADE IN USA



BOX

100'S

# RED BEAR

RED BEAR



200 CLASS A CIGARETTES

# RED BEAR

100'S

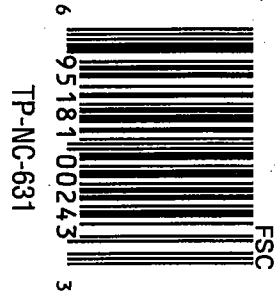
BOX

MADE IN USA



RED BEAR

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



TP-NC-631





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 14, 2011

Peter L. Tourtellot  
Renegade Tobacco Company  
321 Farmington Road  
Mocksville, NC 27028

Dear Mr. Tourtellot:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, Renegade Tobacco Company's ("Renegade") plan for simultaneous display (*i.e.* the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Tucson, Tracker, and Barton brands of cigarettes was approved on June 30, 2010.

By letter dated March 4, 2011, you now propose to expand your plan for display of the four health warnings on packaging to include ten additional varieties of the Tracker brand.

Renegade's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 15, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Renegade's expansion of its plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the Tracker brand effective on the date of this letter through **March 13, 2012**: Red Bear (Kings and 100s), Golden Panther (Kings and 100s), Green Forest (Kings and 100s), Green Mist (Kings and 100s), and Blue Eagle (Kings and 100s).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.<sup>1</sup>

I wish to remind you that the Commission's June 30, 2010 approval of Renegade's cigarette health warning statement rotation plan for packaging of certain varieties of its brands

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

Peter L. Tourtellot  
March 14, 2011  
Page 2

runs through June 29, 2011 and that this letter does not extend that approval period.

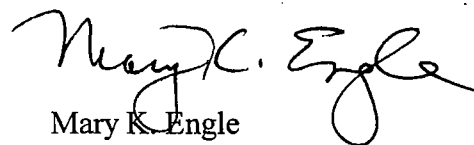
If Renegade decides to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

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

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

If you have any questions regarding this approval, please contact Linda Henry at (202) 326-2542.

Very truly yours,



Mary K. Engle  
Associate Director

# Goodrich Tobacco Company LLC

March 10, 2011

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Henry:

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for the display of the four health warnings on packaging and advertising for the Red Sun and Magic cigarette brands. The Red Sun brand and Magic brand will be manufactured in the United States by Dosal Tobacco Corporation for Goodrich Tobacco Company LLC (f/k/a Xodus LLC).

Xodus LLC recently changed its name to Goodrich Tobacco Company LLC, as shown in the enclosure from the State of Delaware. Everything else about Goodrich Tobacco Company LLC, including its ownership, is the same (except the name change).

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

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

Red Sun King size box  
Red Sun Menthol King size box

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

Magic King size box  
Magic Menthol King size box

Red Sun and Magic will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes ("Pack"). The warnings will appear exactly as shown on the actual Packs and Outer Cartons which were enclosed with my letter dated February 21, 2011.

Goodrich Tobacco Company LLC believes that its anticipated low sales volume of the Red Sun and Magic brands fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Sales estimates for the next one year period for the brand



styles listed above (Red Sun King size box, Red Sun Menthol King size box, Magic King size box, and Magic Menthol King size box) have been provided on Exhibit A hereto. Goodrich Tobacco Company LLC does not anticipate that any one brand style of its Red Sun cigarette brand or Magic cigarette brand will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan. (Pinnacle and Xodus Cigarette sales figures for the previous fiscal year 2010, were less than [REDACTED] sticks). Goodrich Tobacco Company LLC does not anticipate that sales of any one brand style of its Red Sun or Magic brands will exceed [REDACTED] sticks for the year 2011.

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

Goodrich Tobacco Company LLC will advertise the Red Sun and Magic brands in trade magazines, wholesale catalogs and point of sale materials. The four cigarette health warnings will be rotated quarterly in accordance with the rotation schedule in Exhibit B.

Goodrich Tobacco Company LLC will use the warning formats that were submitted with the 1985 plans of the 5 leading U.S. cigarette manufacturers, and we will place the warnings as specified in those plans. 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 over 180 to 360 square inches, and Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches.

Our smallest advertising falls under Exhibit 1, and our largest extends to Exhibit 5. The formats we will be using are the same as the formats previously submitted by Xodus LLC in connection with the Pinnacle brand on June 24, 2009.

Goodrich Tobacco Company LLC plans to advertise the Red Sun brand on the Internet. The warning(s) on our website, [www.RedsunCigarettes.com](http://www.RedsunCigarettes.com), will be superimposed on the screen in an unavoidable manner on every web page where it may be viewed without scrolling, and will not be accessed or displayed through hyperlinks, pop-ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and the size of the warnings will be proportionate to those warning formats.

We have set up the following temporary web address for your inspection:  
[www.RedsunCigarettes.com/Temp](http://www.RedsunCigarettes.com/Temp)

Upon approval of this plan, the [www.RedsunCigarettes.com](http://www.RedsunCigarettes.com) address will become active replacing the temporary web address ([www.RedsunCigarettes.com/Temp](http://www.RedsunCigarettes.com/Temp)) and the four

cigarette health warnings will be rotated quarterly in accordance with the rotation schedule enclosed as Exhibit B hereto.

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

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

Sincerely,



Deborah Aguglia,  
Operations Director

Enclosures

# Goodrich Tobacco Company LLC

Cigarette Health Warning Rotation Plan

## EXHIBIT A

### Anticipated Red Sun Sales for Fiscal Year 2011

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

### Anticipated Magic Sales for Fiscal Year 2011

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

**Goodrich Tobacco Company LLC**

Cigarette Health Warning Rotation Plan

**EXHIBIT B**

**Schedule for Quarterly Rotation**

	<u>Red Sun Brand</u>	<u>Magic Brand</u>
1st Quarter (Jan. - Mar.)	C	A
2nd Quarter (Apr. - June)	D	B
3rd Quarter (July - Sept.)	B	C
4th Quarter (Oct. - Dec.)	A	D

The warnings are as follows:

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

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



IMMENSE TASTE  
SATISFACTION

Underage  
Sale  
Prohibited

# RED SUN

IMMENSE TASTE  
SATISFACTION



RED SUN  
CIGARETTES.COM

TP-FL-762



Made in USA under  
exclusive license of  
Goodrich  
Tobacco Company  
PO Box 596  
Williamsville, NY 14231  
1-800-225-1838  
A subsidiary of  
22nd Century Group, Inc.  
Stock Ticker Symbol:  
XXII  
FSC

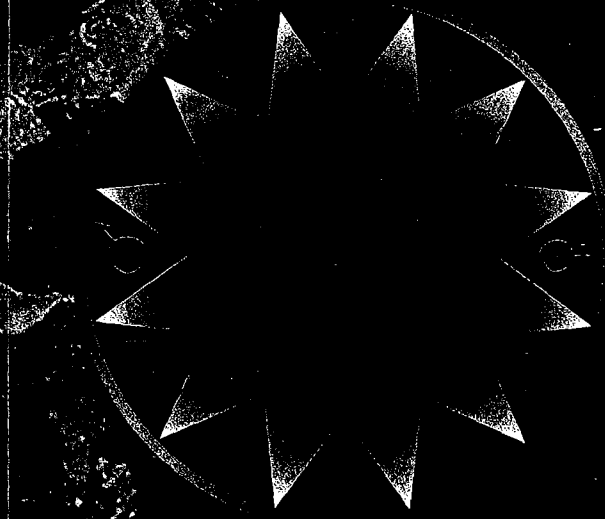
RED  
SUN



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

**RED SUN**

**BOLD COLD MENTHOL**



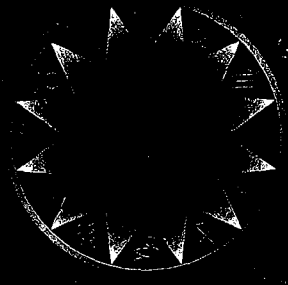
**REDSUNCIGARETTES.COM**  
— ESTABLISHED 2010 —

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

**UNDERAGE SALE PROHIBITED**

**RED SUN**

**BOLD COLD MENTHOL**



TP-FL-762



Filter Cigarettes

Underage Sale Prohibited

Magic

Magic

Filter Cigarettes

Magic

Magic

TP-FL-762



Made in USA under exclusive license of Goodrich Tobacco Company  
PO Box 598  
Williamsville, NY 14231  
1-800-225-1838  
A subsidiary of 22nd Century Group, Inc.  
Stock Ticker Symbol: XXII

Magic

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



# Magic

# Menthol

Filter Cigarettes

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

# Magic

# Menthol

Filter Cigarettes

FSC



TP-FI-762



Division of Advertising Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

March 14, 2011

Deborah Aguglia  
Goodrich Tobacco Company, LLC  
8201 Main Street, Suite 6  
Williamsville, NY 14221

Dear Ms. Aguglia:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Goodrich Tobacco Company, LLC ("Goodrich") on March 10, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising up to 470 square inches in size for the Red Sun and Magic brands of cigarettes and; (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Red Sun and Magic brands.

Goodrich's plan for rotation of the four health warnings in advertising up to 470 square inches in size for the Red Sun and Magic brands of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. Goodrich's advertising rotational warning plan provides for Internet advertising. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Kenneth Maddox at 202-307-0092) to determine whether such advertising on the Internet is permissible.

Goodrich's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 21, 2011 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Goodrich's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties effective on the date of this letter through **March 13, 2012**: Red Sun Kings box, Red Sun Menthol Kings box, Magic Kings box and Magic Menthol Kings box.

Deborah Aguglia  
March 14, 2011  
Page 2

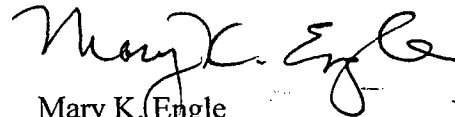
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

If you have any questions regarding this approval, please contact Linda Henry at (202) 326-2542.

Very truly yours,



Mary K. Engle  
Associate Director

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

# Global Trading, INC.

2605 North Van Buren, Enid, OK 73703 Tel: 1-877-580-5506 Fax: 580-237-0610

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March 15, 2011

From: Global Trading, Inc.  
2605 North Van Buren  
Enid, OK 73703  
Tel: 1-877-580-5506  
Fax: 580-237-0610

To: Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Ave. NW Room NJ 3212  
Washington DC, 20580  
Fax: 202-326-3259

Dear Ms. Engle,

The following is a plan submitted for approval by your department for the quarterly rotation of warnings for the Surgeon General's Warning Labels on advertising as required by the Federal Cigarette Labeling and Advertising Act. Global Trading Inc. has previously had a plan approved for the quarterly rotation of the Surgeon General's Warning Labels on packaging for the Carnival brand November 1<sup>st</sup>, 2010 and Timeless Time brand February 28<sup>th</sup>, 2011.

Justin Phillips will be the assigned contact person for the advertising plan.

For our advertising, we will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufactures and we will place the warnings as specified in those plans.

The following will be the Surgeon General's Warning rotation schedule for Carnival and Timeless Time cigarettes:

	Carnival Brand	Timeless Time
1 <sup>st</sup> Quarter (Jan – Mar.)	B	A
2 <sup>nd</sup> Quarter (Apr – June)	D	B
3 <sup>rd</sup> Quarter (July – Sept.)	C	D
4 <sup>th</sup> Quarter (Oct. – Dec.)	A	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 size of our advertisements shall not exceed 470 square inches. Copies of the formats we will be using will be attached to our attached. We will keep records demonstrating compliance with this plan. We will use posters, decals, lighters, and displays as point of sale and we will not advertise on the internet.

Respectfully,



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Dongwon Lee Marketing Director Global Trading, Inc.

Date: 03 - 15 - 2011

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

March 21, 2011

Dongwon Lee  
Global Trading, Inc.  
2605 North Van Buren  
Enid, OK 73703

Dear Mr. Lee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Global Trading, Inc. (“Global Trading”) on March 15, 2011, calling for quarterly rotation of the four health warnings in advertising up to 470 square inches in size for the Carnival and Timeless Time brands of cigarettes.

Global Trading’s plan for the rotation of the warnings in advertising up to 470 square inches in size for the Carnival and Timeless Time brands is hereby approved. Approval of this plan assumes that the plan is implemented in good faith. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

Dongwon Lee  
March 21, 2011  
Page 2

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

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director



March 17, 2011

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

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

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

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

701 S. Battleground Avenue  
Grover, North Carolina 28073



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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott", with a long horizontal flourish extending to the right.

David A. Scott  
Chief Financial Officer

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

		Actual	Anticipated
		Previous	Current
		Fiscal	Rotation
		Year (2010)	Plan Year
Brand	<b>Cheyenne</b>		
	Highest Selling Style		
	Highest Selling Style %		
Brand	<b>Decade</b>		
	Highest Selling Style		
	Highest Selling Style %		
Brand	<b>Pulse</b>		
	Highest Selling Style		
	Highest Selling Style %		
Brand	<b>aura</b>		
	Highest Selling Style		
	Highest Selling Style %		

Brand Totals [redacted]  
 Approximately [redacted] % of all cigarettes sold in the US in 2010

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



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 29, 2011

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

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Cheyenne International, LLC ("Cheyenne") on March 17, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade and 'aura' brands of cigarettes.

Cheyenne's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 29, 2010 (Cheyenne and Decade) and May 18, 2010 (aura)<sup>1</sup> appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Cheyenne's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **March 28, 2012**:

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

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<sup>1</sup> Cheyenne stated in its March 17, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

David A. Scott  
March 29, 2011  
Page 2

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

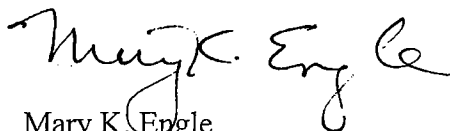
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director

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



## NATURAL FRESH CHOICE TOBACCO COMPANY

765 EUBANKS DRIVE, SUITE D VACAVILLE, CA 95688 • 1-800-243-2737 • WWW.FRESHCHOICETOBACCO.COM

March 29<sup>th</sup> 2011

Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Ave NW  
Room NJ3212  
Washington DC 20001

Re: Cigarette Health Warning Equalization Plan  
Submitted by Cousin's Distributing for Revenge/ American Harvest cigarettes.

Ladies and Gentlemen:

We are submitting Surgeon General's Equalization Plan as required under Federal Cigarette Labeling and Advertising Act (15 USC – 1331 (1998), et seq.), as amended. Sandia is the contract manufacturer cigarettes for Cousins Distributing Inc. Cousins Distributing does business as Fresh Choice Tobacco. We are submitting the Equalization Plan for renewal.

Sandia has previously manufactured on our behalf during the calendar year January 2010 through December 2010. They manufactured [REDACTED] sticks of American Harvest, [REDACTED] sticks of Revenge, and [REDACTED] sticks of Fresh Choice. Our fiscal year is the same as our calendar year. Sandia plans to manufacture [REDACTED] sticks of "Revenge" brand, and [REDACTED] sticks of "American Harvest" during the calendar year of January 2011 through December 2011. Last year we sold [REDACTED] sticks of Revenge brand and [REDACTED] sticks of American Harvest. We sold [REDACTED] Fresh Choice cigarettes in 2010. We have discontinued the brand in 2010. The list of cigarettes includes all the brands sold by Fresh Choice Tobacco. The cigarettes that are covered by this plan are the following U. S. manufactured brand style cigarettes, which include health warnings complying with the Surgeon General warning language set forth in the statute:

1. Revenge 100 soft- red packaging
2. Revenge King soft- red packaging

3. Revenge 100 soft- light green packaging
4. Revenge King soft- light green packaging
5. Revenge 100 soft- dark green packaging
6. Revenge King soft- dark green packaging
7. Revenge 100 soft- blue packaging
8. Revenge King soft- blue packaging
9. Revenge 100 soft- yellow packaging
10. Revenge King soft- yellow packaging
11. American Harvest 100 soft
12. American Harvest King soft

The required warning will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved.

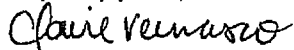
The four (4) health warning will appear exactly as they appear on the packaging samples that were submitted with our previous submissions dated December 12<sup>th</sup>, 13<sup>th</sup>, and 22<sup>nd</sup> of 2006.

Currently, we do not intend to advertise the Revenge and American Harvest brands to the consumer. If we decide to advertise in the future, we will submit a plan to the Federal Trade Commission for review and approval prior to advertising.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 707.449.5937.

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,



Claire Vernasco

Director of Sales

707-449-5928

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Division of Advertising Practices

March 30, 2011

Claire Vernasco  
Fresh Choice Tobacco Company  
765 Eubanks Drive, Suite D  
Vacaville, CA 95688

Dear Ms. Vernasco:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cousins Distributing d/b/a Fresh Choice Tobacco Company ("Fresh Choice") on March 29, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Revenge and American Harvest brands of cigarettes.

Fresh Choice'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 letters dated December 12, 13, and 22, 2006<sup>1</sup> appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Fresh Choice's plan for simultaneous display of the four health warnings on packaging is hereby approved for following varieties effective on the date of this letter through **March 29, 2012**:

- Ten soft pack varieties of the Revenge brand: 100's (Red packaging), Kings (Red packaging), 100's (Light green packaging), Kings (Light green packaging), 100's (Dark green packaging), Kings (Dark green packaging), 100's (Blue packaging), Kings (Blue packaging), 100's (Yellow packaging), Kings (Yellow packaging); and
- Two soft pack varieties of the American Harvest brand: 100's and Kings.

Approval of the plan is contingent on its good faith implementation. We may ask for

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<sup>1</sup> Fresh Choice stated in its March 29, 2011 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on these dates.



Claire Vernasco  
March 30, 2011  
Page 2

information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

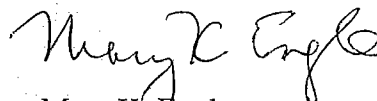
If Fresh Choice decides to advertise in the future, it must submit a plan detailing how it will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

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

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle  
Associate Director

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