



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: March 16, 2020

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. September 24, 2019 letter from Sarah Treptow, Ohserase Manufacturing, LLC to the Division of Advertising Practices.
2. October 2, 2019 letter from Mary K. Engle to Sarah Treptow, Ohserase Manufacturing, LLC.
3. September 24, 2019 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Mary K. Engle.
4. October 21, 2019 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
5. September 26, 2019 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to the Mary K. Engle.
6. October 23, 2019 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
7. November 12, 2019 letter from Melanie C. Holloway on behalf of Philip Morris USA Inc. to Mary K. Engle.
8. November 13, 2019 letter from Mary K. Engle to Melanie C. Holloway on behalf of Philip Morris USA Inc.

9. November 13, 2019 letter from Mary Najjar, Marketing Group USA, Inc. to Mary K. Engle.
10. November 14, 2019 letter from Mary K. Engle to Mary Najjar, Marketing Group USA, Inc.
11. November 14, 2019 letter from Kanim James, Lone Warrior Holdings, Inc. to Mary K. Engle.
12. November 14, 2019 letter from Kanim James, Lone Warrior Holdings, Inc. to Mary K. Engle.
13. November 20, 2019 letter from Mary K. Engle to Kanim James, Lone Warrior Holdings, Inc.
14. November 13, 2019 letter from Karen E. Delaney, NASCO Products, LLC to Mary K. Engle.
15. November 26, 2019 letter from Mary K. Engle to Karen E. Delaney, NASCO Products, LLC.

September 24, 2019

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW CC-10528
Washington, D.C. 20580



OHSERASE
MANUFACTURING LLC

26 Eagle Drive
PO Box 1221
Akwesasne, NY 13655
518 358-9309

RE: Surgeon General's Health Warning Equalization Plan for Signal Brand Cigarettes

Dear Sir/Madam:

This is an application for approval and expansion of the plan of Ohserase Manufacturing, LLC for the display of the health warnings on its Signal cigarette brand. Ohserase Manufacturing, LLC is a limited liability corporation with offices located at 26 Eagle Drive, Akwesasne, New York 13655, mailing address P.O. Box 1221, Akwesasne, New York 13655 and the phone number is (518)358-4229.

Ohserase wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964 for the brand of cigarettes they wish to manufacture in the United States under the brand name "Signal." On June 18, 2019 our plan for display of the health warnings on certain varieties of the Great Country brand was approved.

The brand styles of Signal brand cigarettes Ohserase intends to manufacture are listed on Exhibit "A." Ohserase intends to introduce new packaging for the previously approved styles of Signal to the market this year, all actual production packs and cartons for each style of the new packaging was enclosed with our letter of August 23, 2019. Ohserase also intends to expand its plan to include 2 new "Mellow" brand styles, packaging for which was also included with the letter of August 23, 2019. The warnings will appear exactly as shown on those samples. We plan to run out the limited amount of previously approved Signal packaging we have leftover in the very near future.

Ohserase manufactured approximately [REDACTED] cigarettes in fiscal year 2018 (all were Signal brand). To date, in fiscal year 2019, Ohserase has manufactured [REDACTED] cigarettes (all were Signal and Great Country). Ohserase anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Signal and Great Country) in fiscal year 2019. Ohserase does not import any brand styles of cigarettes.

No one brand style of cigarettes sold by Ohserase has for the past fiscal year constituted more than ¼ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in the next fiscal year. In addition, more than one-half of the cigarettes manufactured for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(i).

As a small manufacturer as defined by the Act, Ohserase wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Signal brand. Each of the four warning statements will appear on the packs and cartons of each brand style of

Signal brand cigarettes manufactured by Ohserase an equal number of times in the one year period beginning on the date this plan is approved. Ohserase will maintain records demonstrating compliance with this plan.

The individual packs of Signal cigarettes to be manufactured by Ohserase 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. Ohserase will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

Ohserase understands that the FTC is charged with ensuring that Ohserase'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.

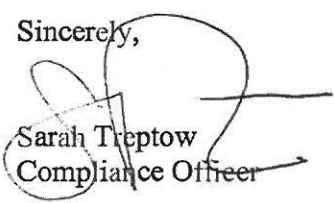
Ohserase will print all four health warnings in equal numbers on each printed sheet of packaging for all of its cartons and packs so that when the sheets are die cut each shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears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

Ohserase has an advertising plan in place and approved by the Federal Trade Commission. The plan was approved in January of 2013 and has not changed.

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, 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.

If you have any questions I can be reached by phone at (518) 358-4229 extension 1039. Thank you.

Sincerely,



Sarah Treptow
Compliance Officer

Exhibit A

Ohserase Manufacturing, LLC

Signal Brand Styles

Full Flavor King Box

Full Flavor 100 Box

Smooth King Box

Smooth 100 Box

Ultra Smooth King Box

Ultra Smooth 100 Box

Menthol King Box

Menthol 100 Box

Menthol Smooth King Box

Menthol Smooth 100 Box

Bold King Box

Bold 100 Box

Max King Box

Max 100 Box

Mellow King Box

Mellow 100 Box

Selected packaging samples from those
submitted with the plan.



Signal

NATIVE MADE

OH SERASE
OH SERASE
MANUFACTURING, LLC
MOHAWK TERRITORY
AKWESASNE, NY 13855
1 (833) LEAFH2O
TP-NY-15042



MADE IN THE USA

ALL NATURAL TOBACCO DOES NOT MEAN A SAFER CIGARETTE.
SURGEON GENERAL'S WARNING:
Smoking Causes Lung Cancer,
Heart Disease, Emphysema,
And May Complicate Pregnancy.

FULL FLAVOR

Signal

NATIVE MADE

FULL FLAVOR

CTP0519.5/1
#74159 115-06A
KBA

R18-6200

A portion of our proceeds go to support Native American charities.

TOBACCO & WATER
BLENDED WITH ONLY
www.signaltobacco.com
Join the Tribe at
with only all natural premium leaf and water.
Mohawk made craft cigarettes that are blended
For generations, tobacco has played a sacred
role in Native American cultures. Experience our
TRUE TOBACCO
WITH
Tradition
— HONORING —

5

20 CLASSIC
CIGARETTES

PLEASE
RECYCLE

ALL
Natural

Oien:kwa
OH-YUN-GWA
TOBACCO

ALL
Natural

SMOOTH

ALL
Natural

Signal

NATIVE MADE

200 CLASS A CIGARETTES

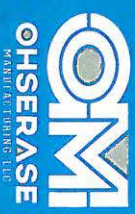
ALL NATURAL TOBACCO DOES NOT MEAN A SAFER CIGARETTE.

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

Signal

NATIVE MADE

PLEASE
RECYCLE



MADE BY:
OH SERASE MANUFACTURING, LLC
MOHAWK TERRITORY
AKWESASNE, NY 13655
1 (833) LEAFH2O
SIGNALTOBACCO.COM

MADE IN THE USA



R19-6301

NATIVE MADE

100% Tobacco





Division of
Advertising Practices

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

October 2, 2019

Ms. Sarah Treptow
Ohserase Manufacturing, LLC
26 Eagle Drive
P.O. Box 1221
Akwesasne, NY 13655

Dear Ms. Treptow:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Ohserase Manufacturing, LLC ("Ohserase") on September 24, 2019, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Signal brand of cigarettes.

Ohserase'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 23, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Ohserase's plan for simultaneous display of the four health warnings on packaging for the following sixteen box varieties of the Signal brand is hereby approved: Full Flavor (Kings & 100's), Smooth (Kings & 100's), Ultra Smooth (Kings & 100's), Menthol (Kings & 100's), Menthol Smooth (Kings & 100's), Bold (Kings & 100's), Max (Kings & 100's), and Mellow (Kings & 100's).

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

¹ Ohserase stated in its September 24, 2019 letter that it intends to run out its existing inventory of approved packaging for the Signal brand.

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

Ms. Sarah Treptow
October 2, 2019
Page 2

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

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

This approval is effective on the date of this letter and runs through October 1, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-2409.

Very truly yours,

MARY
ENGLE

Digitally signed by
MARY ENGLE
Date: 2019.10.02
14:26:23 -04'00'

Mary K. Engle
Associate Director

September 24, 2019

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

VIA FEDEX

Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop CC10528
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC
Notification of Proposed Package Change**

Dear Ms. Engle:

This letter is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT") to notify the FTC of an intended package change to the packs of the Nashville Silver 100's brand style.

WRT's Nashville brand cigarettes are subject to a health warning display plan approved by the FTC on February 26, 2019 (the "Plan"). The Plan includes approval of the Nashville Silver 100's brand style in square cornered packs. WRT intends to change the packaging for the Nashville Silver 100's packs to a new design with round corners. The warning labels will appear on the packs of the Nashville 100's round corner packs exactly as they appear on the packaging submitted with this letter. WRT wishes to continue using the existing packaging for square cornered packs of the Nashville Silver 100's brand style until the inventory of those products with square cornered packs runs out, which is expected to occur by or before December 31, 2019.

Please note that WRT provided the FTC with round cornered packaging samples for the Nashville Red 100's, Gold 100's, Green (Menthol) 100's and Black (Menthol) 100's packs by letter dated February 11, 2019. The approval of the use of the round cornered packs for those four (4) brand styles and the transition from the square cornered packs to round cornered packs of those four (4) brand styles is referenced in the Plan.

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

Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Enclosures

Selected packaging samples from those
submitted with the plan.

NASHVILLE
20 CLASS A CIGARETTES

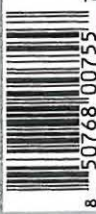


SMOOTH BLEND

Wind River Tobacco Co., LLC
Wilson, NC 27893
Made in USA

Sale only allowed in the United States

FSC



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

NASHVILLE
100'S
SILVER BOX

Visit us at windrivertobacco.com
Please Don't Litter



SMOOTH BLEND

NASHVILLE
20 CLASS A CIGARETTES

NASHVILLE
100'S
SILVER BOX



M-1 2 4 5 6 7 8 9 10 11 12
Y - 20 21 22

WN-D

Underage
Sale
Prohibited



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

NASHVILLE
20 CLASS A CIGARETTES



**SMOOTH
BLEND**

Wind River Tobacco Co, LLC
Wilson, NC 27893
Made in USA
Sale only allowed in the United States



NASHVILLE
100's
SILVER BOX

Visit us at: windrivertobacco.com
Please Don't Litter



**SMOOTH
BLEND**

NASHVILLE
20 CLASS A CIGARETTES

NASHVILLE
100's
SILVER BOX

Underage
Sale
Prohibited



M-1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12
Y - 20, 21, 22

WN-C

11



Division of
Advertising Practices

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

October 21, 2019

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, Wind River Tobacco Company, LLC's ("WRT") plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes was approved on February 26, 2019.

By letter dated October 17, 2019, you now propose to modify the packs for the Nashville Silver 100's box variety.

It appears that the health warnings on the modified packs for the Nashville Silver 100's box variety submitted with your letter of September 24, 2019 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission's February 26, 2019 approval of WRT's plan for simultaneous display of the warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes expires on **February 25, 2020**, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first. This letter does not extend that approval period.

Please note that this letter only approves WRT's submitted packaging modifications with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA"). Moreover, it is not an approval of any other design element, statement, or representation made on packaging or in advertising for WRT's cigarettes. Nor does this letter purport to interpret or express any opinion about the

¹ WRT stated in its October 17, 2019 letter that it intends to run out its existing inventory of approved packs for the Nashville Silver 100's box variety.

Mr. Craig A. Koenigs
October 21, 2019
Page 2

adequacy of WRT's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

MARY ENGLE

Digitally signed by
MARY ENGLE
Date: 2019.10.21
11:58:03 -04'00'

Mary K. Engle
Associate Director

September 26, 2019

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop CC10528
Washington, DC 20580

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

Dear Ms. Engle:

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

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes was approved by the FTC on October 26, 2018. WRT wishes to renew the Plan.

I. Background

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

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

II. Packaging

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

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

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

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

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

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

WRT's fiscal year is the calendar year from January 1 to December 31. The annual sales volume for fiscal year 2018 (January 1, 2018 to December 31, 2018) for the Teton brand styles are set forth in Schedule A. WRT also manufactures American Bison and Nashville brand cigarettes, which are subject to a separate health warning display plan approved by the FTC. The annual sales volumes for the American Bison and Nashville brand styles for fiscal year 2018 (January 1, 2018 to December 31, 2018) also are set forth in Schedule A. WRT does not import or manufacture any other brand of cigarettes. For fiscal year 2018, the sales volume for any one brand style of cigarettes manufactured or imported by WRT did not exceed one-fourth of one percent of all cigarettes sold in the United States in that year. Further, WRT does not anticipate

that the sales volume for any one brand style of cigarettes it manufactures or imports for the one year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year.

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

III. Advertising

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

IV. Miscellaneous

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

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

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




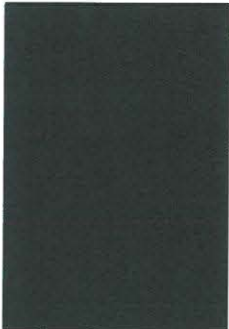
Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

SCHEDULE A

The following is a list of the American Bison, Nashville and Teton cigarette brand styles that WRT manufactures and the annual sales volume in cigarettes for fiscal year 2018 (January 1, 2018 to December 31, 2018) for each brand style. The list also includes the American Bison Blue brand style of cigarettes in red packing that WRT began manufacturing in 2019, and the estimated sales volume for the one (1) year period beginning on the effective date of approval of the health warning display plan for that packaging variation.

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



Division of
Advertising Practices

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

October 23, 2019

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan submitted on behalf of Wind River Tobacco Company, LLC (“WRT”) on September 26, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Teton brand of cigarettes.

WRT’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated September 14 and October 5, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRT’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following seven box varieties of the Teton brand: No. 18 Blue Kings, No. 18 Yellow Kings, No. 18 Green Menthol Kings, No. 6 Red 100’s, No. 6 Gold 100’s, No. 6 Green Menthol 100’s, and No. 6 Black Menthol 100’s.

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

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

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

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

Craig A. Koenigs, Esq.
October 23, 2019
Page 2

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

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

This approval is effective on the date of this letter and runs through October 22, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-2409.

Very truly yours,

MARY
ENGLE

Digitally signed by
MARY ENGLE
Date: 2019.10.23
15:35:13 -04'00'

Mary K. Engle
Associate Director



Melanie Holloway
Senior Counsel

November 12, 2019

Via Overnight Delivery

Ms. Mary K. Engle
Associate Director
U.S. Federal Trade Commission
Bureau of Consumer Protection
Division of Advertising Practices
600 Pennsylvania Avenue, N.W., CC-10528
Washington, D.C. 20580

RE: Philip Morris USA Inc. Warning Rotation Plan for HeatSticks Products

Dear Ms. Engle:

On September 13, 2019, the Federal Trade Commission approved Philip Morris USA Inc.’s (“PM USA”) warning rotation plan for advertising for three varieties of Marlboro HeatSticks and packaging for two varieties of Marlboro HeatSticks sold in packs only. Marlboro HeatSticks are for use exclusively with the IQOS tobacco heating system. Pursuant to section 4 of the Federal Cigarette Labeling and Advertising Act (“FCLAA”) (15 U.S.C. § 1333), PMUSA seeks approval of this warning rotation plan for the packs and cartons of a third variety of HeatSticks, Marlboro Fresh Menthol, and the cartons for the Smooth Menthol and Non-menthol varieties of HeatSticks, as listed in the chart below.

As described in our previously approved warning rotation plan, the U.S. Food and Drug Administration (“FDA”)’s order authorizing the marketing of HeatSticks, requires the removal of the Surgeon General’s carbon monoxide warning. Consistent with FCLAA’s requirements and FDA’s marketing order, PM USA plans to rotate the required warning statements quarterly on HeatSticks packs and cartons in accordance with the following schedule (which is identical to the schedule approved on September 13, 2019), based on the date on which the products are packaged:

HeatSticks Brand	Styles	Q3 2019 (July-Sept)	Q4 2019 (Oct-Dec)	Q1 2020 (Jan-Mar)	Q2 2020 (Apr-Jun)	Q3 2020 (July-Sept)	Q4 2020 (Oct-Dec)
MARLBORO	Fresh Menthol (pack and carton)						
	Smooth Menthol (carton)	C	A	B	C	A	B
	Non-menthol Silver Pkg (carton)						

Statement rotation sequences will continue in the pattern established for subsequent years.

Marlboro brand HeatSticks are available in one size, 45 millimeters, and in hard packs only. All three varieties of Marlboro HeatSticks will be sold in packs and cartons.

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.

PM USA will maintain records that show compliance with this warning rotation plan. With our letter dated October 10, 2019, we provided sample packaging displaying each of the warning statements listed above for the packs and cartons of the Fresh Menthol variety of HeatSticks and the cartons for the Smooth Menthol and Non-menthol varieties of HeatSticks. The warning statements will appear exactly as shown on the samples provided with our letter of October 10, 2019.

If you require additional information, please do not hesitate to contact me at (804) 484-8356.

Sincerely,



Melanie C. Holloway

cc: Ms. Bonnie McGregor (by email only)
Mr. Darren C. Broughton (by email only)

Selected packaging samples from those
submitted with the plan.



HEATSTICKS®
Marlboro
FRESH MENTHOL

PLEASE DON'T LITTER
DESIGNED FOR IQOS®

UNDERAGE SALE PROHIBITED

DO NOT LIGHT,
TO BE USED ONLY WITH IQOS®

Marlboro

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

**WARNING: This product
contains nicotine. Nicotine is
an addictive chemical.**



MFD. FOR
PHILIP MORRIS USA
RICHMOND, VA 23261
MADE IN ITALY

**WARNING: This product
contains nicotine. Nicotine is
an addictive chemical.**

20 CLASS A
CIGARETTES

1-877-
GET-1005

MANUFACTURED FOR PHILIP MORRIS USA, RICHMOND, VA 23261
MADE IN ITALY
FOR PRODUCT INFORMATION
1-877-GET-IQOS | WWW.GETIQOS.COM
200 CLASS A CIGARETTES
UNDERAGE SALE PROHIBITED

Nicotine is an addictive chemical.



Device sold separately.

DESIGNED FOR
Sobi[®]

Marlboro[®]
HEATSTICKS[®]

DESIGNED FOR
IQOS[®]

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

Marlboro
HEATSTICKS[®]

DO NOT LIGHT.
TO BE USED ONLY WITH
IQOS[®]

DESIGNED FOR
IQOS[®]

Marlboro
HEATSTICKS[®]

**WARNING: This product contains nicotine.
Nicotine is an addictive chemical.**



Division of
Advertising Practices

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

November 13, 2019

Ms. Melanie C. Holloway
Senior Counsel
Altria Client Services, LLC
6603 West Broad Street
Richmond, VA 23230

Dear Ms. Holloway:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Philip Morris USA Inc.’s (“PM USA”) September 10, 2019 plan for quarterly rotation of health warnings on packs for the 45 mm hard-pack Non-Menthol and Smooth Menthol varieties of Marlboro IQOS “HeatSticks” was approved on September 13, 2019.

By letter dated November 12, 2019, you now propose to expand your plan for quarterly rotation of health warnings on packaging to include cartons for the 45 mm hard-pack Non-Menthol and Smooth Menthol varieties of Marlboro IQOS “HeatSticks,” as well as packs and cartons for the 45 mm hard-pack Fresh Menthol variety of Marlboro IQOS “HeatSticks.”¹

The warnings on the sample packaging submitted with your October 10, 2019 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.² PM USA’s November 12, 2019 expansion of its plan to include quarterly rotation of health warnings on cartons for the 45 mm hard-pack Non-Menthol and Smooth

¹ On April 30, 2019, the U.S. Food and Drug Administration (“FDA”) authorized the marketing of Marlboro IQOS “HeatSticks” as cigarettes pursuant to Section 910(b) of the Food, Drug, and Cosmetics Act. Among other things, FDA’s marketing order requires that the Cigarette Act warnings must appear on each package and advertisement, but specifically requires removal of the carbon monoxide warning from the required warnings to be displayed. Accordingly, the submitted expansion of PM USA’s warning plan provides for the display of the three Cigarette Act warning statements required under FDA’s marketing order.

² PM USA stated in its November 12, 2019 letter that the health warnings will appear exactly as shown on the packs and cartons submitted on October 10, 2019.

Ms. Melanie C. Holloway

November 13, 2019

Page 2

Menthol varieties of Marlboro IQOS “HeatSticks” and packs and cartons for the 45 mm hard-pack Fresh Menthol variety of Marlboro IQOS “HeatSticks” is hereby approved effective on the date of this letter.

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

Please note that this letter only approves PM USA’s health warning display 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”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for PM USA’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of PM USA’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), or any requirement for Marlboro IQOS HeatSticks pursuant to FDA’s marketing order.

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

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

Very truly yours,

MARY
ENGLE



Digitally signed
by MARY ENGLE
Date: 2019.11.13
14:38:15 -05'00'

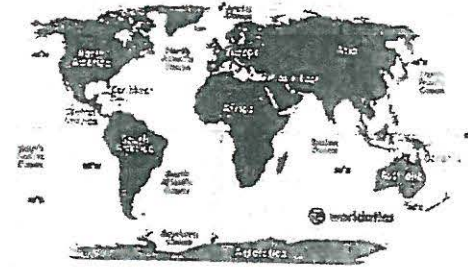
Mary K. Engle
Associate Director

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

MARKETING GROUP USA INC.

2801 Camino Del Rio South
Suite 304, San Diego, CA 92108 USA
email: mgusa@nynycigs.com
web: nynycigs.com

Office: 619-328-7710 USA
Cell: 619-291-1662



November 13, 2019

Ms. Mary K. Engle
Federal Trade Commission,
Division of Advertising Practices, ATTN: Ms. Bonnie McGregor
600 Pennsylvania Avenue, N.W.
Mail Drop CC-10528
Washington, D.C. 20580

RE: Annual Extension for the Approved Cigarette Warning Equalization Plan,

Dear Ms. Engle;

This letter is being submitted by Marketing Group USA, INC, for the extension of the approval of the Surgeon General Warning Equalization Plan for the display of the four health warnings on packaging of the New York New York cigarette brand.

The initial approval was issued on January 27, 2009 valid to January 26, 2010.

A subsequent extension was granted on April 01, 2010 valid to March 31, 2011 for Full Flavor hard pack (Kings and 100's), Menthol hard pack (Kings and 100's), and Non Filter Kings soft pack.

Subsequent extension plans were submitted and approved.

Through the date of this application, the Surgeon General Warnings have been equalized on our packaging for the nine brand styles of New York New York Brand cigarettes.

The New York New York brand will continue to be manufactured in the United States by our contract manufacturer Joseph M. Anderson d/b/a Smokin Joes for Marketing Group USA, Inc. Upon approval of this extension, the contract manufacturer will continue to manufacture these cigarettes under the authority of the Bureau of Alcohol, Tobacco, Firearms and Explosives (Manufacturer of Tobacco Products License TP-NY-168).

Marketing Group USA, Inc. does not import cigarettes.

New York New York brand cigarettes will be manufactured in a variety of styles. The following varieties of New York New York cigarettes are the only brand styles of cigarettes that we manufacture and will be manufactured in accordance with both FTC and FSPTCA rules and regulations:

Red Box King Size, Red Box 100 Size
Gold Box King Size, Gold Box 100 Size
Silver Box 100 Size
Menthol Box King Size, Menthol Box 100 size, Menthol Gold Box 100 Size
Non-filter Box King Size

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 (10) packs ("Pack") of twenty (20) cigarettes each pack. The warnings will appear exactly as they do on the actual packs and cartons submitted by our contract manufacturer on September 08, 2017.

Marketing Group USA Inc's United States stick sales for the period January 01, 2018 to December 31, 2018, were [REDACTED]. There were [REDACTED] United States stick sales for the period January 01, 2019 to October 01, 2019. The breakdown of the number of stick sales for both periods are attached as **Exhibit 1**.

Marketing Group USA Inc. uses the calendar year as the fiscal year.

United States sales estimates for the next one year period for the varieties of New York New York brand styles listed above are provided in **Exhibit 2**. Marketing Group USA, Inc. does not anticipate that the total of all brand styles of its cigarettes will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan.

Upon approval of the extension, the four cigarette health warnings will appear on the packs and cartons of each 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 warnings appear on each of the above listed brand styles an equal number of times throughout the plan year, raw materials packaging inventory will be stored and loaded into packaging machines alternating the four health warnings equally.

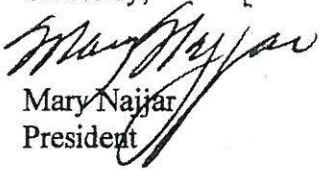
Marketing Group USA will maintain compliance with the September 28, 2010 Plan for point of sale advertising for the New York New York Brand, and with the September 29, 2011 Plan for the internet advertising for the New York new York Brand

Marketing Group USA, Inc. is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Marketing Group USA, Inc. will maintain records of compliance with the approved plan.

FTC Application
November 13, 2019
Page 3

Thank you in advance for your kind attention to this important request for extension. If there are any questions or concerns regarding these plans, please feel free to contact me.

Sincerely,



Mary Najjar
President

STICK SALES FIGURES JANUARY 1, 2018-DECEMBER 31, 2018

NEW YORK NEW YORK	STICKS
NEW YORK NEW YORK GOLD KING BOX	[REDACTED]
NEW YORK NEW YORK RED KING BOX [REDACTED]	
NEW YORK NEW YORK MENTHOL KING BOX [REDACTED]	
NEW YORK NEW YORK NONFILTER BOX	
NEW YORK NEW YORK RED 100 BOX	
NEW YORK NEW YORK GOLD 100 BOX	
NEW YORK NEW YORK SILVER 100 BOX	
NEW YORK NEW YORK MENTHOL 100 BOX	
NEW YORK NEW YORK MENTHOL GOLD 100 BOX	
GRAND TOTAL	

STICK SALES FIGURES JANUARY 1, 2019-OCTOBER 1, 2019

NEW YORK NEW YORK	STICKS
NEW YORK NEW YORK GOLD KING BOX	[REDACTED]
NEW YORK NEW YORK RED KING BOX	
NEW YORK NEW YORK MENTHOL KING BOX [REDACTED]	
NEW YORK NEW YORK NONFILTER BOX	
NEW YORK NEW YORK RED 100 BOX	
NEW YORK NEW YORK GOLD 100 BOX	
NEW YORK NEW YORK SILVER 100 BOX	
NEW YORK NEW YORK MENTHOL 100 BOX	
NEW YORK NEW YORK MENTHOL GOLD 100 BOX	
GRAND TOTAL	

EXHIBIT # 1

	Total Estimated Stick Sales Oct. 01, 2019 to Oct. 01, 2020
NYNY Red 100 Size Box	[REDACTED]
NYNY Red King Size Box	
NYNY Gold 100 Size Box	
NYNY Gold King Size Box	
NYNY Menthol 100 Size Box	
NYNY Menthol King Size Box	
NYNY Menthol Gold 100 Size Box	
NYNY Silver 100 Size Box	
NYNY Non-Filter King Size Box	

TOTAL

EXHIBIT # 2



Division of
Advertising Practices

UNITED STATES OF AMERICA
Federal Trade Commission
Washington, D.C. 20580

November 14, 2019

Ms. Mary Najjar
Marketing Group USA, Inc.
2801 Camino Del Rio South, Suite 304
San Diego, CA 92108

Dear Ms. Najjar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Marketing Group USA, Inc. (“Marketing Group”) on November 13, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “New York New York” brand of cigarettes.

Marketing Group’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 September 8, 2017 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Marketing Group’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine box varieties of the New York New York brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings.

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

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

¹ Marketing Group stated in its November 13, 2019 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on September 8, 2017.

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

Ms. Mary Najjar
November 14, 2019
Page 2

2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Marketing Group’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Marketing Group’s packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

This approval is effective on the date of this letter and runs through November 13, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

MARY Digitally signed by
 MARY ENGLE
ENGLE Date: 2019.11.14
 11:52:56 -05'00'
Mary K. Engle
Associate Director



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

November 14, 2019

Ms. Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave., NW
Maildrop CC-10528
Washington, DC 20580

*RE: Lone Warrior Holdings, Inc. – Advertising Plan for Rainier and Yakama Brands
Pursuant to 15 U.S.C. § 1333*

Dear Ms. Engle:

This letter represents the submission of Lone Warrior Holdings, Inc.'s advertising plan pursuant to 15 U.S.C. § 1333. The Rainier and Yakama brands are manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company. Jacobs Tobacco Company is a federally-licensed tobacco products manufacturer (TTB Permit No. TP-NY-15047). Lone Warrior Holdings, Inc. does not have any other cigarette brands manufactured under contract and does not manufacture any other cigarette brands itself. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

Lone Warrior Holdings, Inc. intends to advertise the Rainier and Yakama brands in accordance with 15 U.S.C. §§ 1331-1341. Copies of the warning formats Lone Warrior Holdings, Inc. will use were enclosed with our August 16, 2019, submission. Lone Warrior Holdings, Inc.'s proposed advertising plan does not include, and the corporation does not intend to use, advertisements larger than 160 square feet.

Lone Warrior Holdings, Inc. will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and it will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below.

For advertisements in periodicals, Lone Warrior Holdings, Inc. will use the warning for the quarter in which the cover date falls, except that any advertisement appearing in a periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter of the first such month.



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

For all other printed advertisements, Lone Warrior Holdings, Inc. will use the warning for the quarter in which artwork for any such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed, or displayed.

Lone Warrior Holdings, Inc. will maintain records of compliance with the advertising plan.

Quarterly Rotation of Warning Statements in Advertisements for Rainier and Yakama

Quarter	Rainier	Yakama
1st Quarter (January - March)	A	B
2nd Quarter (April - June)	B	C
3rd Quarter (July - September)	C	D
4th Quarter (October - December)	D	A

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.

Lone Warrior Holdings, Inc. is not asking for internet advertising at this time, but it will submit an internet advertising plan before it engages in internet advertising.

If you have any questions or require further information, please do not hesitate to contact me.



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

Sincerely,

A handwritten signature in blue ink that reads 'Kanim James'. The signature is written in a cursive style and is positioned above a horizontal line.

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President

P.O. Box 188

Harrah, WA 98933

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

November 14, 2019

Ms. Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave., NW
Maildrop CC-10528
Washington, DC 20580

RE: Lone Warrior Holdings, Inc. – Cigarette Health Warning Equalization Plan for Packaging Pursuant to 15 U.S.C. § 1333(c)(2)

Dear Ms. Engle:

This letter represents the submission of Lone Warrior Holdings, Inc.'s plan for use of the alternative method to the quarterly Surgeon General's rotation plan on packaging of the following ten (10) hard pack styles of the Rainier brand and ten (10) hard pack styles of the Yakama brand (the "Plan"):

Rainier Product Name	Yakama Product Name
Rainier Blue 100's	Yakama Blue 100's
Rainier Gold 100's	Yakama Gold 100's
Rainier Menthol 100's	Yakama Menthol 100's
Rainier Menthol Gold 100's	Yakama Menthol Gold 100's
Rainier Red 100's	Yakama Red 100's
Rainier Blue Kings	Yakama Blue Kings
Rainier Gold Kings	Yakama Gold Kings
Rainier Menthol Kings	Yakama Menthol Kings
Rainier Menthol Gold Kings	Yakama Menthol Gold Kings
Rainier Red Kings	Yakama Red Kings

The Rainier and Yakama brands are manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company. Upon approval of this Plan, the contract manufacturer will manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (TTB Permit No. TP-NY-15047). Lone Warrior Holdings, Inc. does not have any other cigarette brands manufactured under contract and does not manufacture any other



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

cigarette brands itself. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

The products will be packaged in two-hundred (200) count cartons ("Cartons"). Each Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The four health warnings will be printed directly on the Packs and Cartons and will be in the content and form required by 15 U.S.C. §§ 1331-1341 (the "FCLAA"). One-hundred and sixty (160) packaging samples were enclosed with our August 16, 2019, submission, including eighty (80) packaging samples for the Rainier brand and eighty (80) packaging samples for the Yakama brand, all of which display the four required health warnings. The four health warnings will appear exactly as shown on the sample Packs and Cartons of the ten (10) styles of the Rainier brand and the ten (10) styles of the Yakama brand enclosed with our August 16, 2019, submission.

Through the printing process, Lone Warrior Holdings, Inc. will ensure that all four health warnings will be equally displayed on the Packs and Cartons of each brand style throughout the one year period beginning on the date of approval of this Plan. The contract printer will print four (4) Cartons to a sheet – each Carton on the sheet will have a different one of the four health warnings. Similarly, the contract printer will print sixteen (16) Packs to a sheet with four (4) of each of the health warnings repeated four (4) times. Every print run of Cartons and Packs will therefore have an equal distribution of health warnings and, accordingly, Lone Warrior Holdings, Inc.'s contract manufacturer's print runs will have an equal distribution of health warnings. The result will be an equal distribution of health warnings on cigarettes sold throughout the year. Lone Warrior Holdings, Inc. will maintain sufficient records to demonstrate compliance with this Plan. If by the end of the year equalization of health warnings on Packs and Cartons has not been achieved, Lone Warrior Holdings, Inc. will take steps, such as placing special orders of packaging, to ensure health warning label equalization.

Lone Warrior Holdings, Inc.'s fiscal year is the calendar year. Lone Warrior Holdings, Inc. [REDACTED] in fiscal year 2018. Sales estimates for the one-year period following FTC's approval of this plan for the brand styles listed above are [REDACTED] for the Rainier brand and [REDACTED] for the Yakama brand. The estimated sales for each brand style will clearly be less than one-fourth of one percent of all cigarettes sold in the United States during either calendar year 2019 or calendar year 2020, as required by 15 U.S.C. § 1333(c). Lone Warrior Holdings, Inc. believes that its anticipated low sales volume of the Rainier and Yakama brands fit the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in 15 U.S.C. § 1333(c)(2).

This Plan is separate from Lone Warrior Holdings, Inc.'s advertising plan. Lone Warrior Holdings, Inc. will not advertise for the Rainier and Yakama brands until that plan is approved.



2600 Business Parkway, Suite 300

Yakima, WA 98903

509-361-1623

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request approval of this Plan. If there are any questions or concerns regarding this Plan, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Kanim James'.

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President

P.O. Box 188

Harrah, WA 98933

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net

Selected packaging samples from those
submitted with the plan.

Made By Jacobs
Tobacco Company
Akwesasne, NY
Mohawk Territory
TP-NY-15047



FSC



MENTHOLGOLD

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

Rainier

MENTHOLGOLD



PREMIUM BLEND

Rainier

Rainier

Rainier

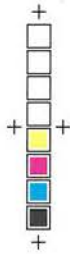
PREMIUM BLEND

M-1 2 3 4 5 6 7 8 9 10 11 12
V-18 19 20 21

W-N-D

6

20
CLASS A
CIGARETTES



MADE
IN THE
USA

Rainier

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

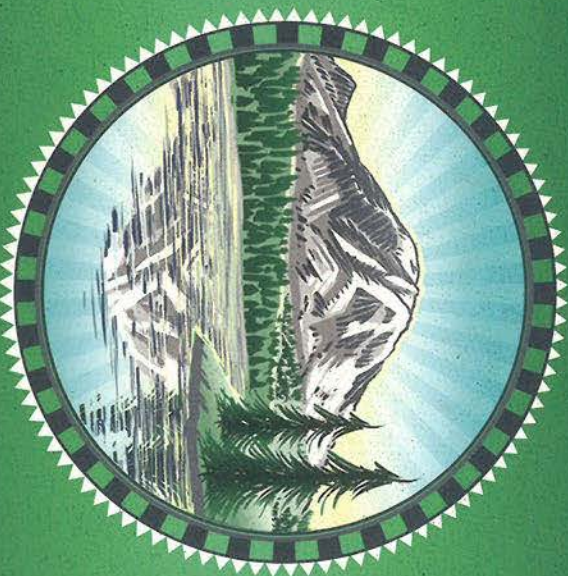
MADE
IN THE
USA | 200
CLASS A
CIGARETTES

MENTHOL

100'S

Rainier

P R E M I U M B L E N D
200 CLASS A CIGARETTES ♦ **F I L T E R E D C I G A R E T T E S**



Rainier

Made By Jacobs Tobacco Company
Akwesasne, NY Mohawk Territory
TP-NY-15047



**UNDERAGE SALE
PROHIBITED**

FSC

200 CLASS A CIGARETTES ♦ **F I L T E R E D C I G A R E T T E S**

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



PREMIUM BLEND

Made By Jacobs
Tobacco Company
Akwesasne, NY
Mohawk Territory
TP-NY-15047



Yakama



FSC

Yakama

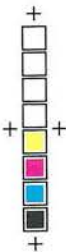


PREMIUM BLEND



M - 1 2 3 4 5 6 7 8 9 10 11 12
Y - 18 19 20 21

WN-B



MENTHOL GOLD
Yakama

Yakama

5

MADE
IN THE
USA

Yakama

20
CLASS A
CIGARETTES

MENTHOL GOLD

200
CLASS A
CIGARETTES

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

MADE
IN THE
USA

200 CLASS A CIGARETTES

PREMIUM BLEND

FILTERED CIGARETTES

Yakbama

BLUE
100'S



UNDERAGE
SALE
PROHIBITED

Yakbama

Made By
Jacobs Tobacco Company
Akwesasne, NY
Mohawk Territory
TP-NY-15047



FSC



Division of
Advertising Practices

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

November 20, 2019

Mr. Kanim James
Lone Warrior Holdings, Inc.
P.O. Box 188
Harrah, WA 98933

Dear Mr. James:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated November 14, 2019, which constitute a plan filed by Lone Warrior Holdings, Inc. (“Lone Warrior”), calling for: (1) quarterly rotation of the four health warnings in advertising up to 160 square feet in size for the Rainier and Yakama 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 Rainier and Yakama brands of cigarettes.

Lone Warrior’s plan for rotation and display of the four health warnings in the aforementioned advertising for the Rainier and Yakama brands of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Lone Warrior’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 August 16, 2019 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Ten hard pack varieties of the Rainier brand: Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Gold (Kings and 100’s); and

¹ Lone Warrior stated in its November 14, 2019 plan that the four health warnings will appear exactly as shown on the packs and cartons submitted on August 16, 2019.

- Ten hard pack varieties of the Yakama brand: Red (Kings and 100's), Blue (Kings and 100's), Gold (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's).

This approval of Lone Warrior's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through November 19, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

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

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

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

Very truly yours,

MARY
ENGLE

Digitally signed by
MARY ENGLE
Date: 2019.11.20
10:30:27 -05'00'

Mary K. Engle
Associate Director

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

NASCO



PRODUCTS

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

November 13, 2019

Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room CC-10528
Washington, DC 20580

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the annual renewal approval of the alternative method to the quarterly Surgeon General Warning rotation plan on packaging of the following eleven (11) varieties of the SF cigarette brand:

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

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

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission ("FTC"). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the Cigarette

Act. The warnings will be placed on the product in a location which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons submitted with this letter and our November 11, 2014 letter.

NASCO will be introducing new packaging for the eleven SF cigarette brand varieties this plan year. The packaging is identical to the packaging submitted with our letter dated November 11, 2014, except for two minor changes; the permit number that had appeared by the UPC has been removed and the website that had appeared in the contact information section of the packaging has been removed. NASCO plans to run out the old packaging represented in our November 11, 2014 letter and introduce the new packaging that is enclosed with this letter as the old packaging runs out.

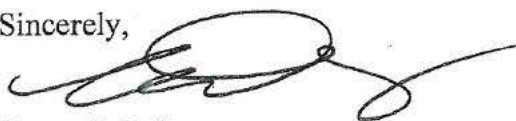
NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Actual sales figures for the 2018 fiscal year for all the brand styles that we manufacture are provided on Exhibit A. Sales estimates for the 2019 fiscal year for all the brand styles that we manufacture are provided on Exhibit A. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes for the one year period covered by this plan.

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

NASCO Products, LLC will continue to comply with its April 25, 2017 plan for Internet advertising of the SF brand of cigarettes.

NASCO Products, LLC, the manufacturer, is aware of the requirements set forth by the FTC in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 8560 Main Street, Williamsville, NY 14221 (mailing address).

Sincerely,



Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

Actual sales figures for Fiscal Year 2018

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

Estimated sales figures for Fiscal Year 2019

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

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

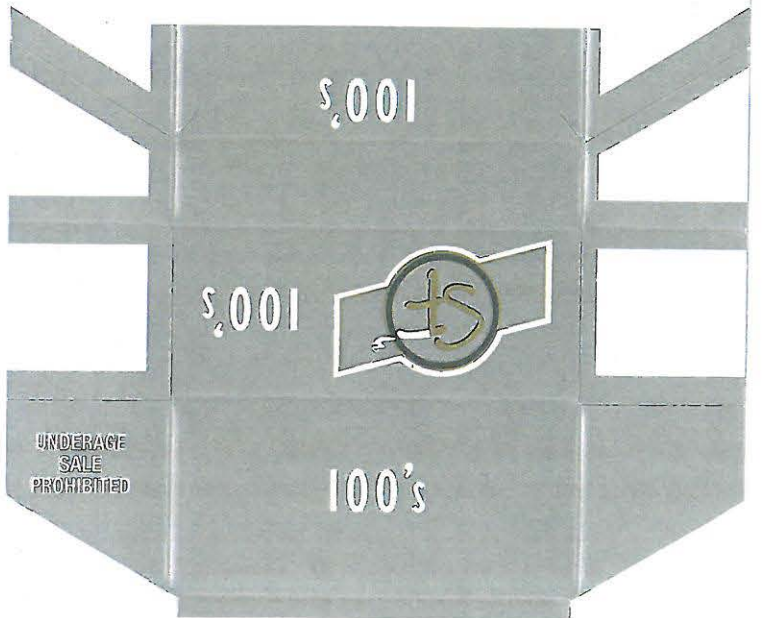
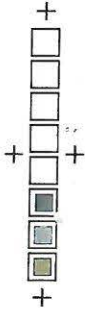
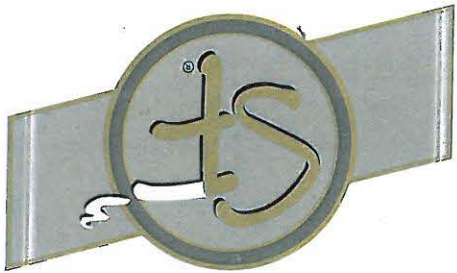


20 Class A Cigarettes
MFD UNDER LICENSE BY
NASCO PRODUCTS, LLC
MOCKSVILLE, NC 27058
©Smoker Friendly
International LLC
Beaury, CO 80301



100's

058161
9



UNDERAGE
SALE
PROHIBITED

100's

100's

100's

KINGS



KINGS

200 CLASS A CIGARETTE

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



KINGS

200 CLASS A CIGARETTES

MFD UNDER LICENSE BY
NASCO PRODUCTS, LLC
MOCKSVILLE, NC 27028
FOR
©Smoker Friendly International LLC
Boulder, CO 80301



KINGS





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

Division of
Advertising Practices

November 26, 2019

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by NASCO Products, LLC (“NASCO”) dated November 13, 2019, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the SF brand of cigarettes.

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

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

¹ NASCO stated in its November 13, 2019 letter that it intends to run out its existing inventory of previously approved packaging for the SF brand.

² As set forth in its November 13, 2019 letter, NASCO is using colors to identify its cigarette varieties (*e.g.*, “Menthol Dark Green 100’s Box”). We note that the color names and the word “menthol” are not printed on the packaging (*e.g.*, the words “Menthol Dark Green” do not appear on the packaging of the “Menthol Dark Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

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

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

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

This approval is effective on the date of this letter and runs through November 25, 2020, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Samuel Baker at (202) 326-2651.

Very truly yours,

MARY ENGLE

Digitally signed by MARY
ENGLE
Date: 2019.11.26 15:03:41
-05'00'

Mary K. Engle
Associate Director

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