



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: November 20, 2015

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. January 23, 2014 letter from Nancyellen Keane on behalf of Tisha Thompson d/b/a Jacobs Tobacco Company to Mary K. Engle.
2. January 29, 2014 letter from Mary K. Engle to Nancyellen Keane on behalf of Tisha Thompson d/b/a Jacobs Tobacco Company.
3. February 4, 2014 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
4. February 4, 2014 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
5. February 3, 2014 letter from Millie Lukose, Lignum-2, L.L.C. to Mary K. Engle.
6. February 4, 2014 letter from Mary K. Engle to Millie Lukose, Lignum-2, L.L.C.
7. February 4, 2014 letter from Ben Fenner, Rock River Manufacturing to FTC.
8. February 5, 2014 letter from Mary K. Engle to Ben Fenner, Rock River Manufacturing.
9. January 24, 2014 letter from Eric F. Facer on behalf of Great Swamp Enterprises Inc. to Mary K. Engle.

10. February 6, 2014 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises Inc.
11. January 24, 2014 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Sallie Schools.
12. February 10, 2014 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
13. February 11, 2014 letter from C. Barry M. Boren on behalf of Canadian Agricultural Depot, LLC to Mary Engle.
14. February 11, 2014 letter from Mary K. Engle to Barry Boren on behalf of Canadian Agricultural Depot, LLC.
15. February 14, 2014 letter from J. Conrad Seneca d/b/a Six Nations Manufacturing to Mary K. Engle.
16. February 18, 2014 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
17. February 25, 2014 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Mary K. Engle.
18. February 26, 2014 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
19. March 4, 2014 letter from Millie Lukose, Commonwealth Brands, Inc. to Mary Engle.
20. March 7, 2014 letter from Mary K. Engle to Millie Lukose, Commonwealth Brands, Inc.
21. March 3, 2014 letter from Deborah Aguglia, Goodrich Tobacco Company LLC to Bonnie McGregor.
22. March 11, 2014 letter from Mary K. Engle to Deborah Aguglia, Goodrich Tobacco Company, LLC.
23. January 22, 2014 letter from Jay Chapman, Cousins Distributing Inc. d/b/a Fresh Choice Tobacco to Mary K. Engle.
24. March 14, 2014 letter from Mary K. Engle to Jay Chapman, Cousins Distributing Inc. d/b/a Fresh Choice Tobacco Company.

25. March 12, 2014 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
26. March 18, 2014 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.

NANCY ELLEN KEANE  
804.697.1272 telephone  
804.698.5140 facsimile  
nancyellen.keane@troutmansanders.com

# TROUTMAN SANDERS

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P.O. Box 1122 (23218-1122)  
Richmond, Virginia 23219  
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January 23, 2014

**VIA FEDERAL EXPRESS & EMAIL sschools@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: Sallie Schools

**Re: Tisha A. Thompson d/b/a Jacobs Tobacco Company  
Warning Rotation Plan for the dis COUNT,  
Nations Best, and Turquoise Brands**

Dear Ms. Engle:

On behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company ("Jacobs"), we hereby submit this Surgeon General's Equalization Plan for Jacobs as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15U.S.C. § 1331 (1998), et seq.) as amended ("FCLAA") for twelve (12) styles of dis COUNT, twelve (12) styles of Nations Best, and two (2) styles of Turquoise cigarettes.

Jacobs is the manufacturer of the dis COUNT, Nations Best, and Turquoise brands. Its manufacturing facility is located at 344 Frogtown Road, Hogsburg, NY 13655. Tisha A. Thompson is owner and General Manager. Jacobs did not import or export any cigarettes in 2013.

Jacobs sales of dis COUNT, Nations Best and Turquoise in 2013 was [REDACTED] sticks. Jacobs anticipates that its sales in 2014 will be [REDACTED] sticks, which should qualify the company for the Section 1333(c)(2) exemption.

Jacobs produces dis COUNT cigarettes in twelve (12) hard box brand styles. Jacobs requests that the following twelve (12) styles be included in the Plan:

dis COUNT Full Flavor, dis COUNT Gold, dis COUNT Silver, dis COUNT Menthol, dis COUNT Menthol Gold, dis COUNT Full Flavor 100's, dis COUNT Gold 100's, dis

Ms. Mary K. Engle  
January 23, 2014  
Page 2

COUNT Silver 100's, dis COUNT Menthol 100's, dis COUNT Menthol Gold 100's, dis  
COUNT Full Flavor Canadian, dis COUNT Gold Canadian

Jacobs produces Nations Best cigarettes in twelve (12) hard box brand styles. Jacobs requests that the following twelve (12) styles be included in the Plan.

Nations Best Full Flavor, Nations Best Gold, Nations Best Silver, Nations Best Menthol, Nations Best Menthol Gold, Nations Best Full Flavor 100's, Nations Best Gold 100's, Nations Best Silver 100's, Nations Best Menthol 100's, Nations Best Menthol Gold 100's, Nations Best Full Flavor Canadian, Nations Best Gold Canadian

Jacobs produces Turquoise cigarettes in two (2) hard box brand styles. Jacobs requests that the following two (2) styles be included in the Plan.

Turquoise Menthol Gold 100's, Turquoise Menthol Silver 100's

The warnings will appear exactly as shown on the samples of dis COUNT, Nations Best, and Turquoise packaging submitted on December 13, 2011, and the additional sample of Nations Best Full Flavor 100's pack enclosed with my letter dated January 20, 2012. Beginning on the date of approval of this Plan, Jacobs will ensure that the printer will print all 4 warnings in equal numbers on each printed sheet of packaging for all cartons and packs, so when sheets are cut, the display of warnings will be approximately equalized on packs and cartons for each brand style. Based on the above, Jacobs requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. Jacobs will keep records demonstrating compliance with this Plan.

Jacobs does not advertise at this time. Should Jacobs 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 Jacobs for the dis COUNT, Nations Best and Turquoise brands, please feel free to contact me at any time. Please fax the approval of the Plan to me at (F) 804-698-5140.

Sincerely,



Nancyellen Keane



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

Division of  
Advertising Practices

January 29, 2014

Nancyellen Keane  
Troutman Sanders LLP  
1001 Haxall Point  
P.O. Box 1122  
Richmond, VA 23218-1122

Dear Ms. Keane:

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 on behalf of Tisha A. Thompson d/b/a Jacobs Tobacco Company (“Jacobs”) on January 23, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the dis COUNT, Nations Best, and Turquoise brands of cigarettes.

Jacobs’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 December 13, 2011, and January 20, 2012 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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

- Twelve box varieties of the dis COUNT brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold (Kings and 100’s), Full Flavor Canadian Kings, and Gold Canadian Kings;
- Twelve box varieties of the Nations Best brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold (Kings and 100’s), Full Flavor Canadian Kings, and Gold Canadian Kings; and

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<sup>1</sup> Jacobs stated in its January 23, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Nancyellen Keane

January 29, 2014

Page 2

- Two box varieties of the Turquoise brand: Menthol Gold 100's, and Menthol Silver 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.

If Jacobs 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 Jacobs'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 Jacobs's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Jacobs's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Jacobs'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. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through January 28, 2015, 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 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.



## Vector Tobacco Inc.

**Victoria Spier Evans**  
Corporate Counsel

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

February 4, 2014

**BY EMAIL TO APARHAM@FTC.GOV**  
**CONFIRMED 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: Arien Parham

RE: Application to Renew Vector Tobacco Inc. Consolidated Rotation Plan  
For *Eagle 20's*, *Silver Eagle*, and *USA* Cigarette Brands and Brand Styles

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby submits this renewal application for its consolidated warning rotation plan (the "Plan") pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), 15 U.S.C. § 1333(c). We are requesting simultaneous rotation of the four required warnings, in accordance with 15 U.S.C. § 1333(c)(2)(C), for the Vector Tobacco brands and brand styles of: (1) *Eagle 20's*, (2) *Silver Eagle*, and (3) *USA* listed on Exhibit B.

Vector Tobacco's current rotation plan was approved on February 5, 2013 and will expire on February 4, 2014. Vector Tobacco requests that the FTC renew Vector Tobacco's Plan with respect to all brand styles of *Eagle 20's*, *Silver Eagle*, and *USA* listed on Exhibit B. Through the date of this request, the Surgeon General's warnings on the packages for the *Eagle 20's*, *Silver Eagle*, and *USA* brand styles have been equalized, in accordance with the existing label rotation plan. Vector Tobacco box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings and for the soft pack labels rolls each containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the



Ms. Mary K. Engle  
February 4, 2014  
Page 2 of 2

manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

Therefore, Vector Tobacco hereby requests that the FTC renew Vector Tobacco's Plan with respect to all brand styles of *Eagle 20's*, *Silver Eagle*, and *USA* listed on Exhibit B. This application is for a one-year period beginning on the date of approval of this application.

Enclosed with this letter, is an affidavit of Nicholas P. Anson, Vice President of Finance, with Exhibits A and B, which set forth information on total U.S. and Vector Tobacco cigarette sales in calendar year 2013 for the brand styles of the Vector Tobacco brands, establishing that all brand styles covered by the Plan qualify for simultaneous rotation.

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

The four health warnings required by 15 U.S.C. § 1333(a)(1) shall be printed on the packs and cartons of each brand style of the Vector Tobacco brands an equal number of times within the one year period beginning on the date of approval of this Plan. These warnings will appear exactly as shown on the pack and carton packaging samples provided with my January 13, 2014 letter for all four warnings, for the *Eagle 20's*, *Silver Eagle*, and *USA* brand styles that are listed on Exhibit B.

Note that the following brand styles have been discontinued and that there have been no units sold in 2013:

SILVER EAGLE	Non-Filter Kings Soft Pack
SILVER EAGLE	Full Flavor 100's Soft Pack
SILVER EAGLE	Gold 100's Soft Pack
USA	Kings (Full Flavor) Soft Pack
USA	Blue Kings Soft Pack

This will also confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

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

Very truly yours,

*Victoria Spier Evans*

Victoria Spier Evans

**EXHIBIT B**

**Vector Tobacco Inc.  
Application to Renew Cigarette Warning Plan  
Revised January 24, 2014**

	<b>Brand</b>	<b>Brand Style Name</b>	<b>2013 Units Sold</b>
1	EAGLE 20's	Blue 100s Box	[REDACTED]
2	EAGLE 20's	Blue Kings Box	[REDACTED]
3	EAGLE 20's	Menthol Gold 100s Box	[REDACTED]
4	EAGLE 20's	Menthol Gold Kings Box	[REDACTED]
5	EAGLE 20's	Non-Filter Kings Box	[REDACTED]
6	EAGLE 20's	Orange 100s Box	[REDACTED]
7	EAGLE 20's	Orange Kings Box	[REDACTED]
8	EAGLE 20's	Red 100s Box	[REDACTED]
9	EAGLE 20's	Red Kings Box	[REDACTED]
10	EAGLE 20's	Menthol Silver 100s Box	[REDACTED]
11	EAGLE 20's	Menthol Silver Kings Box	[REDACTED]
	<b>TOTAL EAGLE 20's</b>		[REDACTED]
1	SILVER EAGLE	Blue 100's Box	[REDACTED]
2	SILVER EAGLE	Blue Slims 120's Box	[REDACTED]
3	SILVER EAGLE	Menthol Full Flavor 100's Soft Pack	[REDACTED]
4	SILVER EAGLE	Menthol Full Flavor Kings Box	[REDACTED]
5	SILVER EAGLE	Gold 100's Box	[REDACTED]
6	SILVER EAGLE	Gold Kings Box	[REDACTED]
7	SILVER EAGLE	Full Flavor 100's Box	[REDACTED]
8	SILVER EAGLE	Full Flavor Kings Box	[REDACTED]
9	SILVER EAGLE	Menthol 100's Soft Pack	[REDACTED]
10	SILVER EAGLE	Menthol Slims 120's Box	[REDACTED]
11	SILVER EAGLE	Menthol Kings Box	[REDACTED]
	<b>TOTAL SILVER EAGLE</b>		[REDACTED]
1	USA	Blue 100's Box	[REDACTED]
2	USA	Blue 100's Soft Pack	[REDACTED]
3	USA	Blue Kings Box	[REDACTED]
4	USA	Menthol 100's (Full Flavor) Soft Pack	[REDACTED]
5	USA	Menthol Kings (Full Flavor) Box	[REDACTED]
6	USA	100's (Full Flavor) Box	[REDACTED]
7	USA	100's (Full Flavor) Soft Pack	[REDACTED]
8	USA	Kings (Full Flavor) Box	[REDACTED]
9	USA	Menthol Silver 100's Soft Pack	[REDACTED]
10	USA	Menthol Silver Kings Box	[REDACTED]
11	USA	Silver 100's Soft Pack	[REDACTED]
12	USA	Menthol 100's (Full Flavor) Box	[REDACTED]
13	USA	Menthol Silver 100's Box	[REDACTED]
14	USA	Silver 100's Box	[REDACTED]
	<b>TOTAL USA</b>		[REDACTED]

Selected packaging samples from those  
submitted with the plan.

SURGEON GENERAL'S WARNING: Quitting Now Greatly Reduces Serious Risks to Your Smoking. © 2005 B&W T Co. MADE IN U.S.A.

Eagle 20's

100's

WARNING: SMOKING IS ADDICTIVE

Made under authority of  
NCDALLI00K 89440/05  
MEDIANE, INC. 27302 TP-NC-47  
MADE IN U.S.A.



Eagle 20's

RED 100's



100's

Eagle 20's



Eagle 20's  
RED 100's



20



20

0 11000 28508 3

MENTHOL SILVER KINGS BOX



Eagle 20's

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

MENTHOL SILVER KINGS BOX

MENTHOL SILVER KINGS BOX



Eagle 20's

MENTHOL SILVER KINGS BOX



Ingredients: Filtered tobacco, water, mg  
spray, glycerol, propylene glycol, sugar, and  
and natural flavors. Any questions or product  
line products, call 1-800-882-3281

200 CLASS A CIGARETTES  
Made under authority of  
MEDALLION BRANDS  
MEBANE, NC 27302  
TP. NO. 42  
MADE IN U.S.A.

Eagle 20's

**Silver  
EAGLE**  
MENTHOL  
FULL FLAVOR

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



100'S

MENTHOL FULL FLAVOR

**Silver  
EAGLE**  
100'S

WARNING: SMOKING IS ADDICTIVE

20 CLASS A CIGARETTES  
Made under authority of  
MEDALLION BRANDS  
MEBANE, NC 27022 TP-MC-42



**Silver  
EAGLE**  
MENTHOL  
FULL FLAVOR



100'S

418-438- WVA

**EAGLE**

MADE IN THE USA



100'S BOX

FULL FLAVOR  
SILVER  
EAGLE  
100'S

FULL FLAVOR

**Silver**  
**EAGLE**

100'S BOX

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

100'S BOX  
FULL FLAVOR

MADE IN THE USA

**Silver**  
**EAGLE**



FULL FLAVOR



WARNING:  
SMOKING IS ADDICTIVE  
REG. U.S. PAT. & TM. OFF. © 1997  
PHILIP MORRIS INC. NEW YORK, NY  
PRINTED IN U.S.A.

29540 00008  
FSC  
0



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



USA



HARD PACK



USA

20 CLASS A  
CIGARETTES  
MADE IN  
U.S.A.

HARD PACK





MADE IN U.S.A.

USA

MENTHOL SILVER

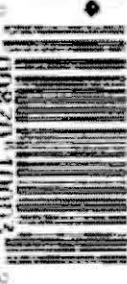
100's

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

USA 100's

MENTHOL SILVER

WARNING: SMOKING IS ADDICTIVE.



430 0737 A

100's

MENTHOL SILVER

USA



Division of  
Advertising Practices

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

February 4, 2014

Ms. Victoria Spier Evans  
Corporate Counsel  
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. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Vector Tobacco Inc. (“Vector”) on January 24, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for Eagle 20's, Silver Eagle, and USA brands of cigarettes.

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 submitted on January 13, 2014 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 plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven varieties of the Eagle 20's brand: Non-Filter Kings box, Blue 100' box, Blue Kings box, Menthol Gold 100's box, Menthol Gold Kings box, Orange 100's box, Orange Kings box, Red 100's box, Red Kings box, Menthol Silver 100's box, Menthol Silver Kings box;
- Eleven varieties of the Silver Eagle brand: Full Flavor Kings box, Full Flavor 100's box, Gold Kings box, Gold 100's box, Blue 100's box, Menthol Full Flavor Kings box, Menthol Full Flavor 100's soft pack, Menthol Kings box, Menthol 100's soft pack, Blue Slims 120's box, and Menthol Slims 120's box; and

Ms. Victoria Spier Evans

February 4, 2014

Page 2

- Fourteen varieties of the USA brand: Kings (Full Flavor) box, 100's (Full Flavor) box, 100's (Full Flavor) soft pack, Blue Kings box, Blue 100's soft pack, Blue 100's box, Silver 100's soft pack, Menthol 100's (Full Flavor) soft pack, Menthol Kings (Full Flavor) box, Menthol 100's (Full Flavor) box, Menthol Silver 100's soft pack, Menthol Silver 100's box, Silver 100's box, and Menthol Silver Kings box.

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>

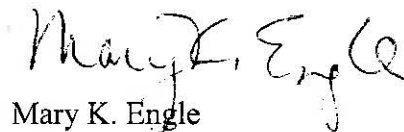
Please note that this letter only approves Vector's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

**This approval is effective on the date of this letter and runs through February 3, 2015, 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 Arien Parham at (202) 326-2696.

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.



5900 N. Andrews Avenue  
Ft. Lauderdale, FL 33309-7130  
Tel. (954) 772-9000

February 3, 2014

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

RE: Lignum-2, L.L.C. CIGARETTE LABELING ROTATION PLAN

Dear Ms. Engle:

The following provides the 2014 Cigarette Labeling Rotation plan for the Rave brand of Lignum-2, L.L.C., 5900 North Andrews Avenue, Ft. Lauderdale, FL 33309.

This letter 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 (the "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 2014, the Rave brands will be offered in nine styles as listed in Exhibit A. Rave is the only brand that Lignum-2 manufactures, and Lignum-2 does not import any cigarette brands.

Based on the sales volume for the fiscal year ending September 30, 2013, none of the Rave brand styles exceeded 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 September 30, 2013 are estimated to be [REDACTED] units. The sources of industry sales are The Maxwell Report: Fourth Quarter 2012 and First, Second and Third Quarters, 2013.

Lignum-2 total sales volume for the fiscal year 2013 was [REDACTED] units. Lignum-2 estimated total sales volume for 2014 is [REDACTED] units.

The fourth health warnings will appear exactly as shown on packs and cartons enclosed with January 12, 2010 letter and approved March 3, 2010, February 28, 2011 and February 6, 2012. The warnings read precisely as required by the Act.

For all Rave brand styles, each of the four statutory warnings will be displayed an equal number of times on all packs and cartons in a process during manufacturing that will ensure 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 ensure 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 cursive script, appearing to read "Millie Lukose".

Millie Lukose  
Legal Counsel

EXHIBIT A

LIGNUM-2, L.L.C. RAVE BRAND  
LABELING ROTATION PLAN

BRAND STYLES AS OF FEBRUARY 3,  
2014

**BRAND STYLE**

RAVE RED KING BOX  
RAVE MENTHOL KING BOX  
RAVE GOLD KING BOX  
RAVE RED 100s SOFT PACK  
RAVE MENTHOL 100s SOFT PACK  
RAVE GOLD 100s SOFT PACK  
RAVE MENTHOL 100s BOX  
RAVE RED 100s BOX  
RAVE GOLD 100s BOX

EXHIBIT B

LIGNUM-2, L.L.C.  
UNIT SALES VOLUME  
BY STYLE  
2013

<b>BRAND STYLE</b>	<b>STICKS</b>
RED KING BOX	
MN DK GRN KING BOX	
GOLD KING BOX	
RED 100s SOFT PACK	
MENTHOL 100s SOFT PACK	
GOLD 100s SOFT PACK	
MENTHOL 100s BOX	
RED 100s BOX	
GOLD 100s BOX	
<b>TOTAL</b>	



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

Division of  
Advertising Practices

February 4, 2014

Ms. Millie Lukose  
Legal Counsel  
Lignum-2, LLC  
5900 North Andrews Avenue  
Ft. Lauderdale, FL 33309-7130

Dear Ms. Lukose:

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 Lignum-2, Inc. on February 3, 2014, 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 Lignum-2's letter dated January 12, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> 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: 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 Lignum-2's 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.

---

<sup>1</sup> Lignum-2 stated in its February 3, 2014 letter that the four health warnings will appear exactly as shown on the 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.



Ms. Millie Lukose  
February 4, 2014  
Page 2

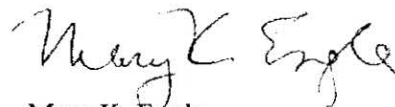
Please note that this letter only approves Lignum-2's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on 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 (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](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/ucml176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucml176164.htm).

**This approval is effective on the date of this letter and runs through February 3, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle  
Associate Director



A Division of Ho-Chunk, Inc.

www.mccainmccoy.com

505 Ho-Chunk Plaza  
Winnebago, NE 68071  
PH 402.878.4003  
FX 402.678.2037

February 4, 2014

FTC  
Advertising Practices  
Attn: Bonnie McGregor  
601 New Jersey Avenue, NW  
Washington, DC 20001

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

Dear Ms. Engle and Ms. McGregor:

Please find enclosed Rock River Manufacturing's (Rock River) renewal of its existing warning label plan for Seneca and Couture and submission of its warning plan for Opal brand of cigarette.

## **I. PACKAGING**

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

### **A. Warning Label Size and Location**

#### **Seneca, Couture and Opal**

On December 5, 2012, the Federal Trade Commission (FTC) approved Rock River's equalization plan for the following brand styles which Rock River imports:

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

Seneca Full Flavor Box King  
Seneca Medium Box King  
Seneca Blue Box King  
Seneca Silver Box King  
Seneca Menthol Box King  
Seneca Smooth Menthol Box King

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

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

Seneca Non-Filter Box King  
Seneca Chill Box King

Seneca Smooth Menthol Box 100's  
Seneca Extra Smooth Menthol Box 100's

Couture Slims Ruby Box  
Couture Slims Amethyst Box  
Couture Slims Diamond Box  
Couture Slims Sapphire Box  
Couture Slims Turquoise Box  
Couture Slims Aquamarine Box

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

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

Also on December 5, 2012, the FTC approved Rock River's equalization plan for the following brand styles which Rock River intends to manufacture: One Spirit Full Flavor 100's Box, One Spirit Smooth 100's Box, One Spirit Ultra Smooth 100's Box, One Spirit Menthol 100's Box, and One Spirit Menthol Smooth 100's Box. Due to the FDA approval process, however, Rock River has not started manufacturing any of the above listed One Spirit brands and therefore is not seeking renewal of its equalization plan for One Spirit when it receives approval. Rock River will submit its equalization plan for One Spirit to FTC prior to manufacture.

The warnings on the Seneca and Couture brands have and will continue to appear exactly as shown on the sample packs and cartons enclosed with our September 28, 2012 letter and with the sample pack of Seneca Menthol Kings and carton of Seneca Full Flavor Soft 100's enclosed with the letter delivered to FTC on November 9, 2012. The sample packaging enclosed with the letter delivered on November 9, 2012 did not require correction but rather was inadvertently omitted from our September 28, 2012 submission.


In addition Rock River seeks approval for its equalization plan for the Opal brand of cigarettes of the following varieties: Opal Full Flavor Box 120's, Opal Smooth Box 120's, Opal Ultra Box 120's, Opal Menthol Box 120's, Opal Smooth Menthol Box 120's. Copies of the actual packages and cartons of the Opal brand family with the required warnings exactly as they will appear on the actual packages and cartons imported by Rock River were submitted to the FTC on December 3, 2013.

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

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

Rock River's sales figures for the imported Seneca, Couture, and Opal brands for October 2012 through October 2013 by brand style by sticks are as follows:

Seneca Full Flavor Soft King	Sticks
Seneca Blue Soft King	Sticks
Seneca Silver Soft King	Sticks
Seneca Menthol Soft King	Sticks
Seneca Smooth Menthol Soft King	Sticks
Seneca Full Flavor Box King	Sticks
Seneca Medium Box King	Sticks
Seneca Blue Box King	Sticks
Seneca Silver Box King	Sticks
Seneca Menthol Box King	Sticks
Seneca Smooth Menthol Box King	Sticks
Seneca Non-Filter Box King	Sticks
Seneca Chill Box King	Sticks
Couture Slims Ruby Box	Sticks
Couture Slims Amethyst Box	Sticks
Couture Slims Diamond Box	Sticks
Couture Slims Sapphire Box	Sticks
Couture Slims Turquoise Box	Sticks
Couture Slims Aquamarine Box	Sticks
Seneca Full Flavor Soft 100's	Sticks
Seneca Blue Soft 100's	Sticks
Seneca Silver Soft 100's	Sticks
Seneca Menthol Soft 100's	Sticks
Seneca Smooth Menthol Soft 100's	Sticks
Seneca Extra Smooth Menthol Soft 100's	Sticks
Seneca Full Flavor Box 100's	Sticks
Seneca Blue Box 100's	Sticks
Seneca Silver Box 100's	Sticks
Seneca Medium Box 100's	Sticks
Seneca Menthol Box 100's	Sticks
Seneca Smooth Menthol Box 100's	Sticks
Seneca Extra Smooth Menthol Box 100's	Sticks
Seneca Full Flavor Box 120's	Sticks

Seneca Smooth Box 120's		Sticks
Seneca Ultra Box 120's		Sticks
Seneca Menthol Box 120's		Sticks
Seneca Smooth Menthol Box 120's		Sticks
Seneca Full Flavor 72's Box		Sticks
Seneca Blue 72's Box		Sticks
Seneca Menthol 72's Box		Sticks
Opal Full Flavor Box 120's		Sticks
Opal Smooth Box 120's		Sticks
Opal Ultra Smooth Box 120's		Sticks
Opal Menthol Box 120's		Sticks
Opal Menthol Smooth Box 120's		Sticks

Based on the foregoing sales volume, it appears that each of the foregoing brand styles qualifies for warning label equalization as sales of each brand style were less than one-fourth (1/4<sup>th</sup>) on one percent (1%) of all of the cigarettes sold in the United States.

Rock River has and will continue to comply with the Cigarette Act by having its supplier of packaging for its imported Seneca, Couture and Opal brands, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings have been and will continue to be displayed on the packs and cartons of each brand style of the Seneca, Couture, and Opal an equal number of times during the one year period following the date of approval of this plan by the FTC. Rock River will keep records demonstrating compliance with this plan.

## II. ADVERTISING

Rock River Manufacturing does not at this time intend to advertise the Seneca, Couture and Opal brands of cigarettes it imports.

Thank you for your attention to this matter and for your assistance. If you have any questions or comments with respect to any of the foregoing, please do not hesitate to contact me.

Sincerely,



Rock River Manufacturing  
 Ben Fenner, Regulatory Compliance Officer  
 401 9th St. NW, Suite 700  
 Washington, DC 20004  
 (202) 450-4887

Selected packaging samples from those  
submitted with the plan.

Opal  
120's

MADE IN  
CANADA  
94-11-25



Opal  
120's

Menthol  
SUPER THINS

Opal  
120's  
Menthol  
SUPER THINS

F2-120H-OP-M-BL

Menthol  
SUPER THINS

Opal  
120's

Opal  
120's  
Menthol

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

10 1234567 4  
11 89101112  
11207X

UNDERAGE SALE PROHIBITED

*Opal*  
120's

*Smooth*  
SUPER THINS

MADE IN CANADA

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

*Opal*  
120's

SUPER THINS

*Smooth*

*Opal*  
120's

*Opal*

•••••





Division of  
Advertising Practices

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

February 5, 2014

Mr. Ben Fenner  
Regulatory Compliance Officer  
Rock River Manufacturing  
401 9<sup>th</sup> St. N.W., Suite 700  
Washington, DC 20004

Dear Mr. Fenner:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Rock River Manufacturing ("Rock River") on February 4, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Seneca	September 28, 2012 November 9, 2012
Couture	September 28, 2012
Opal	December 3, 2013

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

- Thirty-four varieties of the Seneca brand: Full Flavor Kings (soft pack and box), Blue Kings (soft pack and box), Silver Kings (soft pack and box), Menthol Kings (soft pack

Mr. Ben Fenner  
February 5, 2014  
Page 2

and box), Smooth Menthol Kings (soft pack and box), Medium Kings box, Non-Filter Kings box, Chill Kings box, Full Flavor 100's (soft pack and box), Blue 100's (soft pack and box), Silver 100's (soft pack and box), Menthol 100's (soft pack and box), Smooth Menthol 100's (soft pack and box), Extra Smooth Menthol 100's (soft pack and box), Medium 100's box, Full Flavor 120's box, Smooth 120's box, Ultra 120's box, Menthol 120's box, Smooth Menthol 120's box, Full Flavor 72's box, Blue 72's box, and Menthol 72's box;

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

If Rock River 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 Rock River's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuosity of the warnings on Rock River's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River'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. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

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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. Ben Fenner  
February 5, 2014  
Page 3

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.

**This approval is effective on the date of this letter and runs through February 4, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



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-slaw.com

January 24, 2014

Via Federal Express and E-mail (sschools@ftc.gov)

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, DC 20001

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

Dear Ms. Engle:

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's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 3, 2011. Further, the company has renewed its plan annually since that time. The effective date of its current plan runs through February 18, 2014 as noted in the attached letter from your office dated February 19, 2013.

There has been no material change in Great Swamp's operations since the submission of its most recent equalization plan, as summarized below.

Great Swamp is the manufacturer of the Cayuga Brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148 (Tel: 315/568-6457). Betty Jane Radford is the General Manager. It currently manufactures a single brand of cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

The fiscal year for Great Swamp is the calendar year. During 2013, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED]

[REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Its projected sales for 2014 are approximately [REDACTED] sticks.

Cayuga Brand cigarettes are 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.<sup>1</sup>

These are the exact same brand styles that were the subject of the equalization plan submitted on February 6, 2013, as approved by the FTC on February 19, 2013; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated February 18, 2011. Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2014, for warning label compliance. Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

Great Swamp does use print advertising to promote its products. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in print advertising up to 720 square inches in size for the Cayuga brand of cigarettes. Great Swamp's advertising rotation plan was approved by the FTC on December 11, 2012.

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<sup>1</sup> Although colors are used in the name of each Cayuga brand style, those names are not printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green Kings." However, the color used for each brand style's packaging does conform to the color used in its name.

Ms. Mary K. Engle  
January 24, 2014  
Page 3

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); alternatively, you may email it to me at: [eff@f-slaw.com](mailto:eff@f-slaw.com). Thank you for your assistance.

Sincerely,

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

Eric F. Facer

Enclosure



Division of  
Advertising Practices

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

February 19, 2013

Eric F. Facer, PLLC  
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 proposed plan filed on behalf of Great Swamp Enterprises, Inc. ("Great Swamp"), on February 6, 2013, 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 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Great Swamp's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: 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>2</sup>

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<sup>1</sup> Great Swamp stated in its February 6, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its February 6, 2013 letter, Great Swamp is using colors to identify its cigarette varieties (e.g., "Light Green 100's"). 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 100's" variety); however, the color used for a variety's packaging does conform to the color used in its name.

Eric F. Facer  
February 19, 2013  
Page 2

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

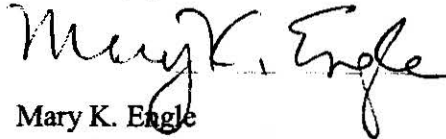
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness 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 or in advertising for Great Swamp's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Great Swamp'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](http://www.fda.gov/TobaccoProducts/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).

**This approval is effective on the date of this letter and runs through February 18, 2014, 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 Sallie Schools at (202) 326-3344.

Very truly yours,



Mary K. Engle  
Associate Director

---

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





Division of  
Advertising Practices

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

February 6, 2014

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. §§ 1331-1341 (“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 January 24, 2014, 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 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Great Swamp’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven box varieties of the Cayuga brand: 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>2</sup>

---

<sup>1</sup> Great Swamp stated in its January 24, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

<sup>2</sup> As set forth in its January 24, 2014 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green 100’s”). 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 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

Eric F. Facer, Esq.  
February 6, 2014  
Page 2

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

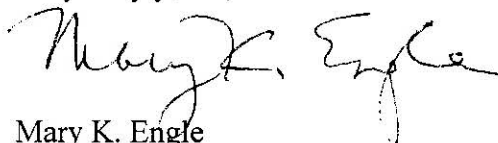
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness 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 or in advertising for Great Swamp's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Great Swamp'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](http://www.fda.gov/TobaccoProducts/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).

**This approval is effective on the date of this letter and runs through February 5, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

---

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

LAW OFFICES OF  
FINGER, ROEMER, BROWN & MARIANI, L.L.P.  
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105 SOUTH BRIDGE STREET  
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JONESVILLE, N.C. 28642  
(336) 835-4000

January 24, 2014

Via FedEx and Email (sschools@ftc.gov)

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

**Re: Request for Renewal of Approved 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.

In a letter from Mary Engle dated February 12, 2013, the Federal Trade Commission approved a certain health warning rotation plan for packaging and advertising on behalf of Kretek (the "Existing Plan").

It is our desire to renew the Existing Plan for an additional year (the "Renewed Plan"). The Existing Plan (which we are herewith seeking to renew and extend) calls for equalizing the use of the warnings for Lagunas brand cigarettes (international-size, hard-pack style: Smooth Select and Menthol Select).

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the equalization alternative because during fiscal year 2013: (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 2014 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

Kretek will comply with the requirements of the equalization alternative by assuring that all shipments from the factory contain an equal number of the four health warnings for the package and cartons of each of the two brand styles of the Lagunas brand.

Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to you dated January 13, 2011 in connection with the Existing Plan.

Ms. Sallie Schools  
January 24, 2014  
Page 2

For advertising, Kretek will continue to adhere to and comply with the plan for advertising as set out in our letter to you dated February 11, 2011 and approved in the letter from Mary Engle dated February 14, 2011.

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:

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

Telephone number: 805-531-8888.

Please grant Kretek approval of this Renewed 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,



Henry C. Roemer, III

HCRiii/mhr

cc: Mr. Sean Cassar



Division of  
Advertising Practices

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

February 10, 2014

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 §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Kretek International, Inc. (“Kretek”), on January 24, 2014, calling for 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 of cigarettes.

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 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Kretek’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two international-size hard pack varieties of the Lagunas brand: 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>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

---

<sup>1</sup> Kretek stated in its January 24, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2011.

<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.

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, size, and conspicuousness of the warnings on Kretek'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 Kretek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Kretek'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).

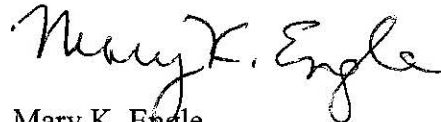
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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.

**This approval is effective on the date of this letter and runs through February 9, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

**LAW OFFICES OF  
BARRY M. BOREN**

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

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

February 11, 2014

Sent by Fax to 202-326-2190 and Federal Express

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

Attention: Mr. Will Ducklow

Renewal of  
Surgeon General's Health Warning Equalization Plan  
for Canadian Agricultural Depot, LLC  
for Seneca, Couture and Opal 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., Suite 8, Miami, Florida 33126. CAD wishes to renew its equalization plans for the display of the health warnings on packaging for its Seneca, Couture and Opal brands of cigarettes as required by 15 U.S.C. §1333 for cigarettes they are importing into the United States. 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, Couture and Opal cigarettes CAD intends to import are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Seneca, Couture and Opal brands CAD is importing were enclosed with the original submissions on the dates appearing in Exhibit "B." The health warnings will continue to appear exactly as shown on the samples provided. The brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

In fiscal year 2013, CAD imported approximately [REDACTED] Seneca, Couture and Opal brand cigarettes. CAD did not import or manufacture any other cigarette brands than those listed herein in fiscal year 2013. In fiscal year 2014<sup>1</sup> to date, CAD has imported approximately [REDACTED] Seneca, Couture and Opal brand cigarettes. In fiscal year 2014, CAD anticipates importing approximately [REDACTED] cigarettes of all its brand styles (all will be Seneca, Couture and Opal 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 renew the plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Seneca, Couture and Opal brands. Each of the four warning statements will appear on the packs and cartons of each brand style of the Seneca, Couture and Opal brands 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 continue to maintain records demonstrating compliance with this plan.

The individual packs of Seneca, Couture and Opal 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 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 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.

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



Ms. Mary Engle, Associate Director  
Division of Advertising Practices

February 11, 2014  
Page 3

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 has advertising rotation plans in place for its Seneca, Couture and Opal cigarettes, all of which have been approved by the FTC. CAD is in compliance with these plans and wishes to make no changes to any of its advertising plans 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.

Should you have any further questions regarding ~~the~~ 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**  
**BRAND STYLES OF CIGARETTES**  
**EXHIBIT "A"**

**Seneca Brand Styles**

Full Flavor King Size Hard Pack	Full Flavor 100's Hard Pack
Blue King Size Hard Pack	Blue 100's Hard Pack
Silver King size Hard Pack	Silver 100's Hard Pack
Menthol King Size Hard Pack	Menthol 100's Hard Pack
Smooth Menthol King Size Hard Pack	Smooth Menthol 100's Hard Pack
Non-filter Full Flavor King Size 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

Medium King Size Hard Pack  
Medium 100's Hard Pack  
Chilli King Size Hard Pack

Full Flavor King Size Soft Pack  
Blue King Size Soft Pack  
Silver King Size Soft Pack  
Menthol King Size Soft Pack  
Smooth Menthol King Size Soft Pack

Full Flavor 100's Soft Pack  
Blue 100's Soft Pack  
Silver 100's Soft Pack  
Menthol 100's Soft Pack  
Smooth Menthol 100's Soft Pack

Full Flavor 72's Hard Pack  
Blue 72's Hard Pack  
Menthol 72's Hard Pack  
Extra Smooth Menthol 100's Soft Pack

**Couture Brand Styles**

Ruby Slims King Size Hard Pack  
Amethyst Slims King Size Hard Pack  
Diamond Slims King Size Hard Pack  
Aquamarine Slims King Size Hard Pack  
Turquoise Slims King Size Hard Pack  
Sapphire Slims King Size Hard Pack

**Opal Brand Styles**

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

**EXHIBIT "B"**  
**CANADIAN AGRICULTURAL DEPOT, LLC**

<b><u>BRAND</u></b>	<b><u>DATE[S] PACKAGING SUBMITTED TO FTC</u></b>
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<b><u>Seneca</u></b>	February 22, 2012, May 1, 2012 June 15, 2010, December 1, 2010 and December 1, 2011
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<b><u>Couture</u></b>	February 22, 2012
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<b><u>Opal</u></b>	February 22, 2012 (packs only) and May 1, 2012 (cartons only)
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United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of  
Advertising Practices

February 11, 2014

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Canadian Agricultural Depot, LLC ("CAD"), dated February 11, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

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 on the following dates appear to continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

<u>Brand</u>	<u>Date(s)</u>
Seneca	June 15, 2010 December 1, 2010 December 1, 2011 February 22, 2012 May 1, 2012
Couture	February 22, 2012

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<sup>1</sup> Although the warnings on the cartons for the 72's hard pack and Extra Smooth Menthol 100's soft pack varieties of the Seneca brand, and for all five varieties of the Opal brand submitted on February 22, 2012 were not sufficiently conspicuous, corrected samples were submitted on May 1, 2012.

<u>Brand</u>	<u>Date(s)</u>
Opal	February 22, 2012 (packs only) May 1, 2012 (cartons only)

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

- Thirty-four varieties of the Seneca brand: Full Flavor hard pack (Kings and 100's), Full Flavor soft pack (Kings and 100's), Blue hard pack (Kings and 100's), Blue soft pack (Kings and 100's), Silver hard pack (Kings and 100's), Silver soft pack (Kings and 100's), Menthol hard pack (Kings and 100's), Menthol soft pack (Kings and 100's), Smooth Menthol hard pack (Kings and 100's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol 100's (hard pack and soft pack), Non-filter Full Flavor Kings 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, Medium hard pack (Kings and 100's), Chill Kings hard pack, Full Flavor 72's hard pack, Blue 72's hard pack, and Menthol 72's hard pack;
- Six "Slims" king size hard pack varieties of the Couture brand: Ruby, Amethyst, Diamond, Aquamarine, Turquoise, and Sapphire; and
- Five "Super Thins" 120's hard pack varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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

Please note that this letter only approves 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 the rotation, size, and conspicuousness of the warnings on packaging for CAD's cigarettes. 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 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

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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.

Barry Boren  
February 11, 2014  
Page 3

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

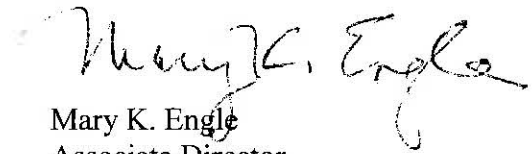
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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.

**This approval is effective on the date of this letter and runs through February 10, 2015, 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 William Ducklow at (202) 326-2407.

Very truly yours,

  
Mary K. Engle  
Associate Director

*Six Nations Manufacturing  
11359 Southwestern Blvd  
PO Box 377  
Irving, NY 14081  
Tele: 716-934-5130  
Fax: 716-934-4087*

February 14, 2014

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 renewal of:

- (1) Simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for the following varieties of Bronco and Native Pride brands.
  - (a) Bronco Red Kings Box
  - (b) Bronco Gold Kings Box
  - (c) Bronco Silver Kings Box
  - (d) Bronco Menthol Kings Box
  - (e) Bronco Menthol Gold Kings Box
  - (f) Bronco Non-Filter Kings Box
  - (g) Bronco Red 100's Box
  - (h) Bronco Gold 100's Box
  - (i) Bronco Silver 100's Box
  - (j) Bronco Menthol 100's Box
  - (k) Bronco Menthol Gold 100's Box
  - (l) Native Pride Robust Full Bodied Flavor King Size Box
  - (m) Native Pride Relaxed Smooth Flavor King Size Box



- (n) Native Pride Full Bodied Menthol Flavor King Size Box
- (o) Native Pride Robust Full Bodied Flavor 100's Size Box
- (p) Native Pride Relaxed Smooth Flavor 100's Size Box
- (q) Native Pride Full Bodied Menthol Flavor 100's Size Box
- (r) Native Pride Smooth Menthol Flavor 100's Size Box
- (s) Native Pride Ultra Smooth Flavor 100's Size Box

This plan was approved by your office in your letter to Six Nations Manufacturing dated December 17, 2012.


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 on November 14, 2011 for Native Pride and November 15, 2012 for Bronco.

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 Bronco and Native Pride brands for the one year period beginning on the date of approval of this plan. Six Nations Manufacturing assures the printing of an equal number of the four warning labels produced throughout the year by working with its packaging vendors to design pre-printing layouts by purchase order in equal amounts of the four warning labels for the packs and cartons or each brand style per production run. J. Conrad Seneca, d.b.a. Six Nations Manufacturing has attached "Schedule A" as our actual annual production volume by style for our fiscal year 2013.

The advertising plans for the Bronco and Native Pride brands were submitted by Six Nations Manufacturing on December 11, 2012 and approved by your office on December 17, 2012.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing 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. 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

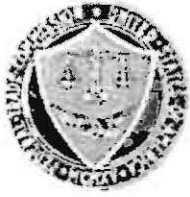
**SCHEDULE A:** Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
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	

**SCHEDULE A:** Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks:

(continued)

Style	Sticks
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	



Division of  
Advertising Practices

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

February 18, 2014

Mr. 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. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of J. Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on February 14, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronco and Native Pride brands of cigarettes.

Six Nations’ 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 November 14, 2011 (Native Pride)<sup>1</sup> and November 15, 2012 (Bronco)<sup>2</sup> 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’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

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<sup>1</sup> Six Nations stated in its February 14, 2014 letter that the four health warnings will continue to appear exactly as shown on the sample packaging for the Native Pride brand submitted on November 14, 2011.

<sup>2</sup> Six Nations stated in its February 14, 2014 letter that the four health warnings will continue to appear exactly as shown on the sample packaging for the Bronco brand submitted on November 15, 2012.

Mr. J. Conrad Seneca  
February 18, 2014  
Page 2

- Eleven box varieties of the Bronco brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), Menthol Gold (Kings and 100's), and Non-Filter Kings; and
- Eight box varieties of the Native Pride brand: Robust Full Bodied Flavor (Kings and 100's), Relaxed Smooth Flavor (Kings and 100's), Full Bodied Menthol Flavor (Kings and 100's), Smooth Menthol Flavor 100's, and Ultra Smooth Flavor 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>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Six Nations' 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 Six Nations' cigarettes. 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' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Six Nations' 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](http://www.fda.gov/TobaccoProducts/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).

**This approval is effective on the date of this letter and runs through February 17, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle  
Associate Director

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

# Holland & Knight

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

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

February 25, 2014

## **VIA FEDERAL EXPRESS**

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, Room 3212  
Washington, D.C. 20001  
Attention: William Ducklow

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

Dear Ms. Engle:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 24, Teaneck, New Jersey 07666 and its affiliates (collectively "JTI"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI to display the warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes in the manner provided in Section 4(c)(2)(C) of the Act, as provided in paragraph 2(b) of the Label Statement Rotation Plan of JTI submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended and approved, most recently on February 14, 2013 effective through February 13, 2014 and, with respect to five additional limited edition varieties, on August 14, 2013 effective through August 13, 2014.

The brands and brand styles sold by JTI in the United States to which the Plan (as amended), this application and the confirmations contained herein pertain are as follows:

Five varieties of the Export 'A' brand: Full Flavor, Rich Taste, Smooth Taste, Smooth Taste limited edition, and Ultra Smooth Taste;

Seventeen hard pack varieties of the Wave brand: Full Flavor Kings, Full Flavor 100's, Menthol Kings, Menthol 100's, Blue Kings, Blue 100's, Silver Kings, Silver 100's, Menthol Green Kings, Menthol Green 100's, Blue 100's Black Pack; Menthol Green 100's Black Pack; Full Flavor Limited Edition (king size); Menthol Limited Edition (king size); Menthol Green Limited Edition (king size); Blue Limited Edition (king size); and Silver Limited Edition (king size).

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

JTI is not including in this application nine brand styles which are no longer being sold, namely: Export 'A' Extra Smooth Taste and Wave Full Flavor Kings (soft pack), Wave Full Flavor 100's (soft pack), Wave Menthol Flavor Kings (soft pack), Wave Menthol 100's (soft pack), Wave Blue Kings (soft pack), Wave Blue 100's (soft pack), Wave Silver 100's Kings (soft pack) and Wave Menthol Green 100's (soft pack).

In support of JTI's application for extension of Federal Trade Commission approval of its simultaneous display plan for packages and cartons to cover those packaging varieties, JTI affirms that:

- (a) the cigarettes sold by JTI in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. The total number of cigarettes manufactured by JTI and sold in the United States during JTI's last fiscal year ended December 31, 2013 was less than [REDACTED] and the total number of cigarettes of any brand style manufactured by JTI and sold in the United States during such year was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI manufactures and sells accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (*i.e.* all) of the cigarettes manufactured by JTI for sale in the United States are packaged into brand styles which meet the requirements of clause (i);
- (b) the statutorily mandated warnings will appear exactly as shown on the sample individual packages and cartons (or bundles) submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI's behalf and approved by the Federal Trade Commission; and
- (c) JTI will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period

Ms. Mary K. Engle  
February 25, 2014  
3 | Page

beginning on the date of approval for the Plan and JTI will keep records demonstrating compliance with the Plan.

We submitted under cover of letter dated March 10, 2010 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter" which will continue to be followed by JTI unless and until submitted and approved otherwise.

JTI will manufacture and sell packages and cartons of each existing brand style in equal numbers of each warning label throughout the one-year period after this application is approved as set forth on the Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then on all brand styles.

If you should have any further questions in connection with this application, please call me at (212) 513-3470. We enclosed with our letter dated February 11, 2014 a Federal Express airway bill and envelope for your use, if possible, in transmitting an approval letter to us in order to ensure its timely receipt. In addition, it would be appreciated if such approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at [neal.beaton@hklaw.com](mailto:neal.beaton@hklaw.com).

Thank you for your continued cooperation in this matter.

Very truly yours,



Neal N. Beaton

Enclosures



## Attachment 1

### Export 'A'

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

#### **Export A 72 Slide and Shell Pack:**

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

#### **Export 'A' 72 Slide and Shell Bundle:**

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

### Wave and Wings

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

#### **Wave/Wings Round Corner KS/100s Box:**

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

#### **Wave/Wings Soft Pack KS/100s:**

Soft pack styles are printed using a plate with 16 total facings. Each sheet contains 16 ups and is printed in one rotation. Warnings A, B, C and D each comprise 25% of the sheet. Each warning is printed 4 times.

**Wave/Wings Cartons KS/100s:**

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

#27669649\_v3



3. The statutorily mandated warnings will continue to appear exactly as shown on the materials previously submitted to the Federal Trade Commission under cover of letters dated July 20, 2012, January 25, 2013 and May 17, 2013 (“Wave”), August 25, 2008, December 18, 2009, March 15, 2012 and April 11, 2012 (“Export ‘A’”) and September 8, 2010 (“Wings”) and subsequently approved by the Federal Trade Commission, unless and until revised materials are submitted to the Federal Trade Commission on our behalf and approved by the Federal Trade Commission.

4. JTI will continue to equalize utilization of the four warnings on all of its brand styles sold in the United States on an ongoing basis throughout the period for which this application and previous approvals are effective. JTI will keep records demonstrating compliance with its plan.


5. The brands and brand styles sold by JTI in the United States to which the Plan (as amended), this application and the confirmations contained herein pertain are as follows:

Five varieties of the Export ‘A’ brand: Full Flavor, Rich Taste, Smooth Taste, Smooth Taste limited edition, and Ultra Smooth Taste;

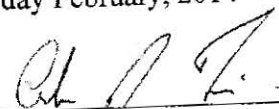
Seventeen hard pack varieties of the Wave brand: Full Flavor Kings, Full Flavor 100’s, Menthol Kings, Menthol 100’s, Blue Kings, Blue 100’s, Silver Kings, Silver 100’s, Menthol Green Kings, Menthol Green 100’s, Blue 100’s Black Pack; Menthol Green 100’s Black Pack; Full Flavor Limited Edition (king size hard pack); Menthol Limited Edition (king size hard pack); Menthol Green Limited Edition (king size hard pack); Blue Limited Edition (king size hard pack); and Silver Limited Edition (king size hard pack).

Six hard pack varieties of the Wings brand: Red (Kings and 100’s), Gold (King and 100’s) and Menthol (Kings and 100’s).

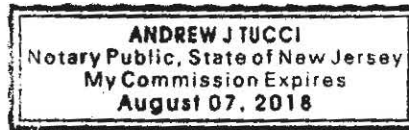
IN WITNESS WHEREOF, I have hereunto signed my name this 25th day of February,  
2014.

  
\_\_\_\_\_  
Jacques Coffeng

Sworn to before me this  
25th day February, 2014

 - ANDREW J TUCCI  
\_\_\_\_\_  
Notary Public

#27669652\_v3





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

Division of  
Advertising Practices

February 26, 2014

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. and its affiliates (collectively “JTI”) on February 25, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’, Wave, and Wings brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Export ‘A’	August 25, 2008 December 18, 2009 March 15, 2012 (limited edition packs) April 11, 2012 (limited edition cartons) <sup>2</sup>

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<sup>1</sup> JTI stated in its February 25, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

<sup>2</sup> Submission of limited edition packaging for the Export ‘A’ Smooth Taste variety only. Although the warnings on the carton “bundles” submitted on March 15, 2012 were not sufficiently conspicuous, corrected samples were submitted on April 11, 2012.

<u>Brand</u>	<u>Date(s)</u>
Wave	July 20, 2012 January 25, 2013 <sup>3</sup> May 17, 2013
Wings	September 8, 2010

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

- Five varieties of the Export 'A' brand: Full Flavor, Rich Taste, Smooth Taste, Smooth Taste limited edition, and Ultra Smooth Taste;
- Seventeen hard pack varieties of the Wave brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol Green (Kings and 100's), Blue 100's Black Pack, Menthol Green 100's Black Pack, Full Flavor Limited Edition Kings, Menthol Limited Edition Kings, Menthol Green Limited Edition Kings, Blue Limited Edition Kings, and Silver Limited Edition Kings; and
- Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (King and 100's) and Menthol (Kings and 100's).

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

Approval of this 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 JTI's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on JTI'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 JTI's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI's packaging and advertising under the FSPTCA or any regulations that

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<sup>3</sup> Submission of packaging for two limited edition "Black Pack" varieties (Blue 100's Black Pack hard pack and Green Menthol 100's Black Pack hard pack).

<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.

Neal N. Beaton, Esq.  
February 26, 2014  
Page 3

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).

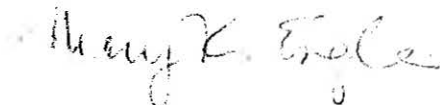
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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.

**This approval is effective on the date of this letter and runs through February 25, 2015, 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 William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director





# Commonwealth

B R A N D S, I N C.

March 4, 2014

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.  
2014 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Engle:

Commonwealth Brands, Inc., 5900 North Andrews Avenue, Ft. Lauderdale, FL 33309 hereby submits its 2014 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

This requests approval of a plan to conduct our manufacturing operations so that the four health warnings specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Labeling Act"), shall appear on the packages and cartons of each 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

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

P.O. Box 407130 Fort Lauderdale, FL 33340-7130 Ph. (954) 772-9000

[www.commonwealthbrands.com](http://www.commonwealthbrands.com)  
An IMPERIAL TOBACCO GROUP company

volume set out in (i) above. Through the date of this application the Surgeon General's warnings on the packages for the brand styles of Commonwealth Brands have been rotated in accordance with its previously 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 Commonwealth Brands' styles, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2013), are reported in the attached **Exhibit B**.

During 2014, Commonwealth Brands will manufacture 139 brand styles.

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	January 2, 2013
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	March 18, 2010 May 29, 2013 (Black & Silver 100s) June 6, 2013 (Blue & Menthol Gold 100s)
Raven	September 7, 2010
Riviera	September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010

USA Gold	June 19, 2013
	July 18, 2013 (Blue packs and cartons)
	September 30, 2013 (Glide Tec outer packs) November 25, 2013 (Glide Tec inner packs)
West	March 18, 2010
	April 28, 2010
	June 3, 2010 (Menthol Dark Green 100s)

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, 2013, were [REDACTED] units. The source of industry sales information is [REDACTED]

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 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 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 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 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,



Millie Lukose  
Legal Counsel

**Attachments:**

Exhibit A – List of Brand Styles as of March 4, 2014

Exhibit B – Cigarette Volume 10/01/2012 – 09/30/2013

Exhibit C – Quarterly Warning Rotation Plan for Advertisements

**EXHIBIT A**

COMMONWEALTH BRANDS ROTATION PLAN  
PACKAGING AND CARTON LABELS

BRAND STYLES AS OF MARCH 4, 2014

**BRAND STYLES UTILIZING THE EQUAL NUMBER OF TIMES WARNING STATEMENT  
ROTATION (15 U.S.C. §1333(e)(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 100s BOX  
GOLD 100s BOX  
BLUE 100s BOX  
MENTHOL DARK GREEN 100s BOX  
MENTHOL GREEN 100s BOX  
NON-FILTER KING SIZE SOFT PACK

**DAVIDOFF**

CLASSIC FILTER LUXURY LENGTH BOX  
GOLD FILTER LUXURY LENGTH BOX  
MENTHOL FILTER LUXURY LENGTH BOX  
MENTHOL SILVER FILTER LUXURY LENGTH BOX  
GOLD SLIMS FILTER LUXURY LENGTH BOX  
MENTHOL SILVER SLIMS LUXURY LENGTH BOX

**FORTUNA**

RED FILTER KING SIZE BOX  
RED FILTER 100s BOX  
BLUE FILTER KING SIZE BOX  
BLUE FILTER 100s BOX  
MENTHOL FILTER DARK GREEN KING SIZE BOX  
MENTHOL FILTER DARK GREEN 100s BOX  
PALE BLUE FILTER KING BOX  
PALE BLUE FILTER 100s BOX  
MENTHOL GREEN FILTER KING BOX  
MENTHOL GREEN FILTER 100s 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 SLIMS FILTER 100s BOX  
PINK SLIMS FILTER 100s BOX  
MENTHOL GREEN SLIMS FILTER 100s BOX  
BLUE SLIMS FILTER 120s BOX  
PINK SLIMS FILTER 120s BOX  
MENTHOL GREEN SLIMS FILTER 120'S BOX

**MONTCLAIR**

BLACK FILTER 100s BOX  
BLUE FILTER KING SIZE BOX  
BLUE FILTER 100s BOX  
GRAY FILTER KING SIZE BOX  
SILVER FILTER 100s BOX  
MENTHOL GOLD FILTER 100s BOX  
PURPLE SLIMS FILTER 100s BOX  
MENTHOL GREEN SLIMS FILTER 100s 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 100s BOX  
GOLD 100s BOX  
BLUE 100s BOX  
MENTHOL DARK GREEN 100s BOX  
MENTHOL GREEN 100s 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 100s BOX  
GOLD 100s BOX  
BLUE 100s BOX  
MENTHOL DARK GREEN 100s BOX  
MENTHOL GREEN 100s BOX  
NON-FILTER KING SIZE SOFT PACK

**SF**

RED FILTER KING-SIZE BOX  
BLUE FILTER KING-SIZE BOX  
GRAY FILTER KING-SIZE BOX  
MENTHOL DARK GREEN FILTER KING-SIZE BOX  
MENTHOL GREEN FILTER KING-SIZE BOX  
RED FILTER 100s BOX  
BLUE FILTER 100s BOX  
GRAY FILTER 100s BOX  
MENTHOL DARK GREEN FILTER 100s BOX  
MENTHOL GREEN FILTER 100s BOX  
NON-FILTER KING-SIZE SOFT PACK

**SONOMA**

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

**USA GOLD**

RED FILTER KING SIZE SOFT PACK  
RED FILTER KING SIZE BOX  
RED FILTER KING SIZE GLIDE TEC BOX  
RED FILTER 100s SOFT PACK  
RED FILTER 100s BOX  
GOLD FILTER KING SIZE SOFT PACK  
GOLD FILTER KING SIZE BOX  
GOLD FILTER KING SIZE GLIDE TEC BOX  
GOLD FILTER 100s SOFT PACK  
GOLD FILTER 100s BOX  
BLUE FILTER KING SIZE SOFT PACK  
BLUE FILTER KING SIZE BOX

BLUE FILTER 100s SOFT PACK  
BLUE FILTER 100s BOX  
MENTHOL GOLD FILTER KING SIZE SOFT PACK  
MENTHOL GOLD FILTER 100s BOX  
MENTHOL GOLD FILTER 100s SOFT PACK  
MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)  
MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGING)  
MENTHOL FILTER KING SIZE GLIDE TEC BOX (DARK GREEN PACKAGING)  
MENTHOL FILTER 100s SOFT PACK (DARK GREEN PACKAGING)  
MENTHOL FILTER 100s BOX (DARK GREEN PACKAGING)  
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 100s BOX  
BLUE FILTER 100s BOX  
GRAY FILTER KING SIZE BOX  
GRAY FILTER 100s BOX  
MENTHOL DARK GREEN FILTER 100s BOX  
MENTHOL GREEN FILTER 100s BOX  
NON FILTER KING SIZE SOFT PACK



**EXHIBIT B**

Fiscal Year 2013

<b>BRAND</b>	<b>Product</b>	<b>Gross Units</b>
<b>USA GOLD</b>	USA GOLD BLUE 100 BOX - 31213	
	USA GOLD BLUE 100 SOFT - 31219	
	USA GOLD BLUE KINGS BOX - 31267	
	USA GOLD BLUE KINGS SOFT - 31218	
	USA GOLD MN DK GRN 100 BOX - 31214	
	USA GOLD MN DK GRN 100 SOFT - 31237	
	USA GOLD MN DK GRN KINGS BOX - 31212	
	USA GOLD MN DK GRN KINGS SOFT - 31208	
	USA GOLD GOLD 100 BOX - 31210	
	USA GOLD GOLD 100 SOFT - 31228	
	USA GOLD GOLD KINGS BOX - 31217	
	USA GOLD GOLD KINGS SOFT - 31233	
	USA GOLD MN GRN 100 BOX - 31232	
	USA GOLD MN GRN 100 SOFT - 31236	
	USA GOLD MN GRN KINGS SOFT - 31235	
	USA GOLD NF KINGS SOFT - 31215	
	USA GOLD RED 100 BOX - 31211	
	USA GOLD RED 100 SOFT - 31209	
	USA GOLD RED KINGS BOX - 31216	
	USA GOLD RED KINGS SOFT - 31234	
<b>SONOMA</b>	SONOMA BLUE 100 SOFT - 34280	
	SONOMA BLUE KINGS BOX - 34268	
	SONOMA MN DK GRN 100 BOX - 34269	
	SONOMA MN DK GRN 100 SOFT - 34279	
	SONOMA MN DK GRN KINGS BOX - 34274	
	SONOMA GOLD 100 BOX - 34285	
	SONOMA GOLD 100 SOFT - 34281	
	SONOMA GOLD KINGS BOX - 34284	
	SONOMA MN GRN 100 SOFT - 34278	
	SONOMA MN GRN KINGS BOX - 34275	
	SONOMA NF KINGS SOFT - 34283	
	SONOMA RED 100 BOX - 34277	
	SONOMA RED 100 SOFT - 34282	
	SONOMA RED KINGS BOX - 34276	
<b>FORTUNA</b>	FORTUNA BLUE 100 BOX - 30290	
	FORTUNA BLUE KINGS BOX - 30239	
	FORTUNA MN DK GRN 100 BOX - 30291	
	FORTUNA MN DK GRN KINGS BOX - 30243	
	FORTUNA MN GRN 100 BOX - 30244	

FORTUNA MN GRN KINGS BOX - 30246  
FORTUNA NF KINGS SOFT - 30241  
FORTUNA PALE BLUE 100 BOX - 30242  
FORTUNA PALE BLUE KINGS BOX - 30240  
FORTUNA RED 100 BOX - 30289  
FORTUNA RED KINGS BOX - 30238  
**CROWNS**  
CROWNS BLUE 100 BOX - 39369  
CROWNS BLUE KINGS BOX - 39363  
CROWNS MN DK GRN 100 BOX - 39367  
CROWNS MN DK GRN KINGS BOX - 39361  
CROWNS GOLD 100 BOX - 39368  
CROWNS GOLD KINGS BOX - 39362  
CROWNS MN GRN 100 BOX - 39370  
CROWNS MN GRN KINGS BOX - 39364  
CROWNS NF SOFT - 39365  
CROWNS RED 100 BOX - 39366  
CROWNS RED KINGS BOX - 39360  
**SF**  
SF BLUE 100 BOX - 39338  
SF BLUE KINGS BOX - 39332  
SF DK GRN 100 BOX - 39337  
SF DK GRN KNIGS BOX - 39331  
SF GRAY 100 BOX - 39339  
SF GRAY KINGS BOX - 39333  
SF NF KINGS SOFT - 39335  
SF PALE GRN 100 BX - 39340  
SF PALE GRN KINGS BX - 39334  
SF RED 100 BOX - 39336  
SF RED KINGS BOX - 39330  
**MONTCLAIR**  
MONTCLAIR BLACK 100 BOX - 33293  
MONTCLAIR BLUE KINGS BOX - 33292  
MONTCLAIR BLUE 100 BOX - 33295  
MONTCLAIR GRAY KINGS BOX 3329433294  
MONTCLAIR MN GOLD 100 BOX - 33297  
MONTCLAIR SILVER 100 BOX - 33296  
**MALIBU**  
MALIBU BLUE SLIMS 100 BOX - 30204  
MALIBU BLUE SLIMS 120 BOX - 30200  
MALIBU MN GRN SLIMS 100 BOX - 30206  
MALIBU MN GRN SLIMS 120 BOX - 30207  
MALIBU PINK SLIMS 100 BOX - 30205  
MALIBU PINK SLIMS 120 BOX - 30201  
**WEST**  
WEST BLUE 100 BOX - 37264  
WEST BLUE KINGS BOX - 37260  
WEST MN DK GRN 100 BOX - 37265

WEST MN DK GRN KINGS BOX - 37263  
WEST GRAY 100 BOX - 37266  
WEST GRAY KINGS BOX - 37259  
WEST MN GRN 100 BOX - 37251  
WEST MN GRN KINGS BOX - 37252  
WEST RED 100 BOX - 37262  
WEST RED KINGS BOX - 37258

**DAVIDOFF**

DAVIDOFF CLASSIC BOX - 06253  
DAVIDOFF GOLD BOX - 06254  
DAVIDOFF SLIMS GOLD BOX - 36270  
DAVIDOFF MN GRN BOX - 06256

**TUSCANY**

TUSCANY BLUE 100 - 39328  
TUSCANY BLUE KINGS - 39322  
TUSCANY MN DK GRN 100 - 39326  
TUSCANY MN DK GRN KINGS - 39320  
TUSCANY GOLD 100 - 39327  
TUSCANY GOLD KINGS - 39321  
TUSCANY MN GRN 100 - 39329  
TUSCANY MN GRN KINGS - 39323  
TUSCANY NF - 39324  
TUSCANY RED 100 - 39325  
TUSCANY RED KINGS - 39319

**RAVEN**

RAVEN BLUE 100 - 39384  
RAVEN BLUE KINGS - 39378  
RAVEN MN DK GRN 100 - 39382  
RAVEN MN DK GRN KINGS - 39376  
RAVEN GOLD 100 - 39383  
RAVEN GOLD KINGS - 39377  
RAVEN MN GRN 100 - 39385  
RAVEN MN GRN KINGS - 39379  
RAVEN NF - 39380  
RAVEN RED 100 - 39381  
RAVEN RED KINGS - 39375

**RIVIERA**

RIVIERA BLUE 100 - 39398  
RIVIERA BLUE KINGS - 39392  
RIVIERA MN DK GRN 100 - 39396  
RIVIERA MN DK GRN KINGS - 39390  
RIVIERA GOLD 100 - 39397  
RIVIERA GOLD KINGS - 39391  
RIVIERA MN GRN 100 - 39399  
RIVIERA MN GRN KINGS - 39393  
RIVIERA NF - 39394  
RIVIERA RED 100 - 39395

RIVIERA RED KINGS - 39389  
**GAULOISES** GAULOISES BLUE KINGS - 37500  
GAULOISES RED KINGS - 37501  
GAULOISES YELLOW KINGS - 37502  
**GITANES** GITANES BLUE KINGS - 37506  
GITANES CLASSIC KINGS - 37505  
**Grand Total**



**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.



Division of  
Advertising Practices

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

March 7, 2014

Millie Lukose  
Legal Counsel  
Commonwealth Brands, Inc.  
P.O. Box 407130  
Fort Lauderdale, FL 33340-7130

Dear Ms. Lukose:

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 Commonwealth Brands, Inc. ("Commonwealth") on March 4, 2014, 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 appear to continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:<sup>1</sup>

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
Crowns	September 7, 2010
Davidoff	January 2, 2013
Fortuna	March 18, 2010 April 28, 2010
Gauloises	April 28, 2010

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<sup>1</sup> Commonwealth stated in its March 4, 2014 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Gitanes	April 28, 2010
Malibu	September 25, 2009 January 5, 2011 (cartons only) January 24, 2011 (packs only)
Montclair	March 18, 2010 May 29, 2013 June 6, 2013
Raven	September 7, 2010
Riviera	September 7, 2010
SF	January 13, 2010
Sonoma	July 28, 2010
Tuscany	September 7, 2010
USA Gold	June 19, 2013 July 18, 2013 September 30, 2013 November 25, 2013
West	March 18, 2010 April 28, 2010 June 3, 2010

Accordingly, Commonwealth's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:<sup>2</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> 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.

- Six 93 millimeter “Luxury Length” Box varieties of the Davidoff brand: Classic, Gold, Menthol, Menthol Silver, Gold Slims, and Menthol Silver 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 Slims 100's, Blue Slims 120's, Pink Slims 100's, Pink Slims 120's, Menthol Green Slims 100's, and Menthol Green Slims 120's;
- Eight varieties of the Montclair brand: Black 100's Box, Blue Kings Box, Blue 100's Box, Gray Kings Box, Silver 100's Box, Menthol Gold 100's Box, 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;
- Eleven 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, and Non-filter Kings soft pack;
- Eleven varieties of the SF brand: Red Kings Box, Red 100's Box, Gray Kings Box, Gray 100's Box, 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;
- Fourteen varieties of the Sonoma brand: Red Kings Box, 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;
- Twenty-three varieties of the USA Gold brand: Red Kings Box, Red Kings Glide Tec Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings Glide Tec Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's soft pack, Menthol Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 100's soft pack, Menthol Kings Box (Dark Green Packaging), Menthol Kings Glide Tec Box (Dark Green Packaging), Menthol Kings soft pack (Dark Green Packaging), Menthol 100's Box (Dark Green Packaging), Menthol 100's soft pack (Dark Green Packaging), 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.

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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

Please note that this letter only approves 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 Commonwealth's cigarettes. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Commonwealth's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Commonwealth's packaging and advertising under the 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).

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

Millie Lukose  
March 7, 2014  
Page 5

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](http://www.fda.gov/TobaccoProducts/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).

**This approval is effective on the date of this letter and runs through March 6, 2015, 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 William Ducklow at (202) 326-2407.

Very truly yours,



Mary K. Engle  
Associate Director

# Goodrich Tobacco Company LLC

March 3, 2014

Ms. Bonnie McGregor  
Federal Trade Commission  
Division of Advertising Practices  
601 New Jersey Avenue, NW  
Washington, DC 20580

RE: Annual Renewal for Cigarette Health Warning Rotation Plan

Dear Ms. McGregor:

This letter is being submitted for the annual renewal approval of the Surgeon General Warning Rotation Plan for the display of the four health warnings on packaging for the Red Sun and Magic cigarette brands. Note that the packaging and advertising plan for Red Sun and Magic cigarettes received prior approval from the FTC. There have been no changes to the prior approved advertising plan of the Red Sun brand or the Magic brand or to the Red Sun brand packaging or Magic brand packaging. We remain in compliance with our advertising plan. The Red Sun brand and Magic brand will be manufactured in the United States for Goodrich Tobacco Company LLC starting in the second quarter of 2014 by NASCO Products LLC.

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-NC-15033).

Red Sun brand cigarettes will be manufactured for Goodrich Tobacco Company LLC by NASCO Products LLC 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 NASCO Products LLC 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 submitted on February 21, 2011 which received prior approval from the FTC.

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

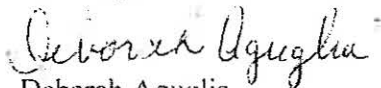
styles listed above (Red Sun King size box, Red Sun Menthol King size box, Magic King size box, and Magic Menthol King size box) have been provided on Exhibit A hereto. Goodrich Tobacco Company LLC does not anticipate that any one brand style of its Red Sun cigarette brand or Magic cigarette brand will exceed [REDACTED] sticks in sales for the one year period to be covered by this plan. (Red Sun and Magic Cigarette sales figures for the previous fiscal year 2013, 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 2014.

If this renewal 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 is also aware of the requirements set forth by the Federal 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 demonstrating compliance with the approved plan.

If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



Deborah Aguglia,  
Operations Director

# Goodrich Tobacco Company LLC

Cigarette Health Warning Rotation Plan

## EXHIBIT A

### Anticipated Red Sun Sales for Fiscal Year 2014

Red Sun King Size Box:		sticks
Red Sun Menthol King Size Box		sticks

### Anticipated Magic Sales for Fiscal Year 2014

Magic King Size Box:		sticks
Magic Menthol King Size Box		sticks



Division of  
Advertising Practices

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

March 11, 2014

Ms. Deborah Aguglia  
Operations Director  
Goodrich Tobacco Company, LLC  
9530 Main Street  
Clarence, NY 14031

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. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Goodrich Tobacco Company, LLC ("Goodrich") on March 3, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain king size box varieties of the Red Sun and Magic brands of cigarettes.

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 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Goodrich's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties: Red Sun Kings box, Red Sun Menthol Kings box, Magic Kings box, and Magic Menthol Kings 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.

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<sup>1</sup> Goodrich stated in its March 3, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 21, 2011.

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

Ms. Deborah Aguglia  
March 11, 2014  
Page 2

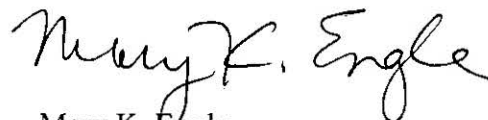
Please note that this letter only approves Goodrich's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Goodrich'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 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. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucml76164.htm).

**This approval is effective on the date of this letter and runs through March 10, 2015, 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 Bonnie McGregor at (202) 326-2356.

Very truly yours,



Mary K. Engle  
Associate Director

FEDERAL TRADE COMMISSION

FEB 3 2014

ADVERTISING PRACTICES

January 22, 2014

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. The corporate address for Cousins Distributing Inc is 1891 Woolner Avenue, Suite I, Fairfield, California 94533 (we moved in July, 2013).

Sandia has previously manufactured on our behalf during the calendar year January 2013 through December 2013. They manufactured [REDACTED] sticks of American Harvest and [REDACTED] sticks of Revenge. 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 2014 through December 2014. Last year we sold [REDACTED] sticks of Revenge brand and [REDACTED] sticks of American Harvest. 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- blue packaging
2. Revenge 100 soft- yellow packaging
3. American Harvest 100 soft
4. 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. Our packaging printer, Winston Packaging, prints all four (4) warnings simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We keep records demonstrating compliance with this plan

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 707.759.2506

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,



Jay Chapman

Compliance Manager

707-319-9602

[Jchapman34@hotmail.com](mailto:Jchapman34@hotmail.com)



Division of  
Advertising Practices

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

March 14, 2014

Mr. Jay Chapman  
Compliance Manager  
Fresh Choice Tobacco Company  
1891 Woolner Avenue, Suite I  
Fairfield, California 94533

Dear Mr. Chapman:

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 Cousins Distributing, Inc. d/b/a Fresh Choice Tobacco Company (“Fresh Choice”) dated January 22, 2014, 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 your letters dated December 12, 13, and 22, 2006 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Fresh Choice’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Two soft pack varieties of the Revenge brand: 100’s (Blue packaging) and 100’s (Yellow packaging); and
- Two soft pack varieties of the American Harvest brand: 100’s and Kings.

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<sup>1</sup> Fresh Choice stated in its January 22, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. Jay Chapman  
March 14, 2014  
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>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. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through March 13, 2015, 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 Caitlyn Brady at (202) 326-2848.

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.



March 12, 2014

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. 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". The signature is fluid and cursive, with a long horizontal stroke 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 (2013)	Plan Year

Brand	<b>Cheyenne</b>	
Highest Selling Style		
Highest Selling Style %		
Brand	<b>Decade</b>	
Highest Selling Style		
Highest Selling Style %		
Brand	<b>aura</b>	
Highest Selling Style		
Highest Selling Style %		

Brand Totals

Approximately  of all cigarettes sold in the US in 2013

(Highest Brand Style  approximately  of all cigarettes sold)





Division of  
Advertising Practices

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

March 18, 2014

Mr. David A. Scott  
Chief Financial Officer  
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 12, 2014, 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) continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven box 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 box 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 12, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.



Mr. David A. Scott  
March 18, 2014  
Page 2

- Four box 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. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through March 17, 2015, 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 Bonnie McGregor at (202) 326-2356.

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.