



Division of  
Advertising Practices

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

MEMORANDUM

TO: Public Records  
Office of the Secretary

FROM: Sallie Schools  
Division of Advertising Practices

DATE: October 21, 2013

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. July 9, 2012 letter from Sultan J. Ali, Global Tobacco LLC to Mary K. Engle.
2. July 11, 2012 letter from Mary K. Engle to Sultan J. Ali, Global Tobacco LLC.
3. July 11, 2012 letter from G. George Bertram on behalf of Tantus Tobacco, LLC. to Mary K. Engle.
4. July 11, 2012 letter from Mary K. Engle to G. George Bertram on behalf of Tantus Tobacco, LLC.
5. July 11, 2012 letter from Michael Bell, Skookum Creek Tobacco Co., Inc. to Mary K. Engle.
6. July 12, 2012 letter from Mary K. Engle to Michael Bell, Skookum Creek Tobacco Co., Inc.
7. July 13, 2012 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary Engle.
8. July 13, 2012 letter from Mary K. Engle to Gary C. Sanden, Seneca Manufacturing Company.
9. July 20, 2012 letter from Cindy Kidd, Seneca-Cayuga Tobacco Company to Mary Engle.

10. July 23, 2012 letter from Mary K. Engle to Cindy Kidd, Seneca-Cayuga Tobacco Company.
11. July 23, 2012 letter from Jacqueline Ribnick, Virginia Carolina Corporation to Sallie Schools.
12. July 23, 2012 letter from Mary K. Engle to Jacqueline Ribnick, Virginia Carolina Corporation.
13. July 23, 2012 letter from Barry M. Boren on behalf of U.S. Flue-Cured Tobacco Growers, LLC to Mary K. Engle.
14. July 24, 2012 letter from Mary K. Engle to Barry M. Boren on behalf of U.S Flue-Cured Tobacco Growers, LLC.
15. August 9, 2012 letter from Nancyellen Keane on behalf of Cherokee Tobacco Company, LLC to Sallie Schools.
16. August 9, 2012 letter from Mary K. Engle to Nancyellen Keane on behalf of Cherokee Tobacco Company, LLC.
17. August 15, 2012 letter from Brittani Cushman, Xcaliber International, Ltd., LLC to Mary K. Engle.
18. August 17, 2012 letter from Mary K. Engle to Brittani N. Cushman, Xcaliber International, Ltd., LLC.
19. August 21, 2012 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Sallie Schools.
20. August 22, 2012 letter from Mary K. Engle to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
21. July 26, 2012 letter from Barry M. Boren on behalf of American Cigarette Company, Inc. to Mary K. Engle.
22. August 22, 2012 letter from Mary K. Engle to Barry M. Boren on behalf of American Cigarette Company, Inc.
23. August 23, 2012 letter from Everett W. Gee III, S&M Brands, Inc. to Sallie Schools.
24. August 23, 2012 letter from Mary K. Engle to Everett W. Gee III, S&M Brands, Inc.

25. August 22, 2012 letter from Vardan Alumyan, Amvtrade Corp. to Mary K. Engle.
26. August 27, 2012 letter from Mary K. Engle to Vardan Alumyan, Amvtrade Corp.
27. August 28, 2012 letter from Frank Najor, Marketing Group USA, Inc. to Mary K. Engle.
28. August 28, 2012 letter from Mary K. Engle to Frank Najor, Marketing Group USA, Inc.
29. August 29, 2012 letter from Meghan Murphy Beakman, D Cube, LLC dba Sovereign Tobacco Co. to Mary K. Engle.
30. August 30, 2012 letter from Mary K. Engle to Meghan Murphy Beakman, D Cube, LLC dba Sovereign Tobacco Co.
31. August 28, 2012 letter from Peter L. Tourtellot, Alternative Brands, Inc. to Mary K. Engle.
32. September 10, 2012 letter from Mary K. Engle to Peter L. Tourtellot, Alternative Brands, Inc.
33. September 13, 2012 letter from William M. Sherman, Sherman's 1400 Broadway NYC, Ltd. to Mary K. Engle.
34. September 14, 2012 letter from Mary K. Engle to William M. Sherman, Sherman's 1400 Broadway NYC, Ltd.
35. August 15, 2012 letter from C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc. to Mary K. Engle.
36. September 24, 2012 letter from Mary K. Engle to C. Randall Nuckolls on behalf of Santa Fe Natural Tobacco Company, Inc.
37. September 17, 2012 letter from Gary C. Sanden, Seneca Manufacturing Company to Mary Engle.
38. September 24, 2012 letter from Mary K. Engle to Gary C. Sanden, Seneca Manufacturing Company.
39. September 20, 2012 letter from Dale White, Ohserase Manufacturing, LLC to Mary Engle.
40. September 24, 2012 letter from Mary K. Engle to Dale White, Ohserase Manufacturing, LLC.

41. September 24, 2012 letter from Terry L. Ammerman, Farmers Tobacco Co. of Cynthiana, Inc. to Mary K. Engle.
42. September 26, 2012 letter from Mary K. Engle to Terry L. Ammerman, Farmers Tobacco Co. of Cynthiana, Inc.



July 9th, 2012

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

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for  
**Global Classic, Patriot, Silver Cloud, Global Fiesta** cigarette

Dear Ms. Engle:

Global Tobacco LLC received approval from you on July 19, 2010 for our plan to advertise Global Classic, Patriot, Silver Cloud and Global Fiesta brand of cigarettes and on July 13<sup>th</sup>, 2011 to equalize the Surgeon General's Warning on packaging of certain styles of Global Classic, Patriot, Silver Cloud and Global Fiesta brand. We now want to renew our plan by submitting this letter on the approved Global Classic, Patriot, Silver Cloud and Global Fiesta brand of cigarettes. In order to facilitate such manufacturing, we submit this letter containing our plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et. seq.* (the "FCLAA").

As a preliminary matter, we currently hold a permit to manufacture cigarettes (TP-TX-15001) at our principal place of business located at 2861 Congressman Ln, Suite 300, Dallas, TX 75220.

## **I. PACKAGING**

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

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

We plan to renew our plan on the following brands:

1. Global Classic
2. Patriot
3. Silver Cloud
4. Global Fiesta



The following are the brand styles of the Global Classic Brand:

1. Global Classic Red /100's/ Box
2. Global Classic Gold /100's/Box
3. Global Classic Menthol /100's/Box
4. Global Classic Menthol Gold /100's/Box
5. Global Classic Silver /100's/Box
6. Global Classic Red /Kings/Box
7. Global Classic Gold /Kings/Box
8. Global Classic Menthol /Kings/Box
9. Global Classic Red/100's/Soft
10. Global Classic Gold/100's/Soft
11. Global Classic Menthol/100's/Soft
12. Global Classic Menthol Gold/100's/Soft
13. Global Classic Silver/100's/Soft
14. Global Classic Red /Kings/Soft
15. Global Classic Gold /Kings/Soft
16. Global Classic Menthol /Kings/Soft

The following are the brand styles of the Patriot Brand:

1. Patriot Red /100's/Soft
2. Patriot Gold /100's/Soft
3. Patriot Menthol /100's/Soft
4. Patriot Menthol Gold /100's/Soft
5. Patriot Silver /100's/Soft
6. Patriot Red /Kings/Soft
7. Patriot Gold /Kings/Soft
8. Patriot Menthol /Kings/Soft

The following are the brand styles of the Silver Cloud Brand:

1. Silver Cloud Red /100's/Soft
2. Silver Cloud Gold /100's/Soft
3. Silver Cloud Menthol /100's/Soft
4. Silver Cloud Menthol Gold /100's/Soft
5. Silver Cloud Silver /100's/Soft
6. Silver Cloud Red /Kings/Soft
7. Silver Cloud Gold /Kings/Soft
8. Silver Cloud Menthol /Kings/Soft

The following are the brand styles of the Global Fiesta Brand:

1. Global Fiesta Red/100's/Box
2. Global Fiesta Gold/100's/Box



3. Global Fiesta Menthol/100's/Box
4. Global Fiesta Menthol Gold/100's/Box
5. Global Fiesta Silver/100's/Box
6. Global Fiesta Red/Kings/Box
7. Global Fiesta Gold/Kings/Box
8. Global Fiesta Menthol/Kings/Box

Included with our letter dated May 13, 2010 and June 17, 2010 were samples of actual cartons and packages for certain styles of Global Classic, Patriot, Silver Cloud and Global Fiesta brand. The carton and package samples have been prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packaging under Section 1333(b)(1) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing brand styles exactly as they appear on the samples that we submitted to FTC which meet the requirements of the cigarette act.

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

Through the date of this application, the Surgeon General's warning on the packages for the brand styles of Global Classic, Patriot, Silver Cloud and Global Fiesta brand have been equalized in accordance with the plan. I wish to employ the option for warning label equalization provided for in Section 1332(c)(2) of the FCLAA and display the four required warning labels an equal number of times on the packages and cartons of each of the foregoing brand styles for the one year period beginning on the date of approval of this plan.

As you are no doubt aware, Section 1332(c)(2) allows a cigarette manufacturer or importer to display the four warnings an equal number of times during the year on a brand style's packaging if the company's annual sales of that brand style are less than one-fourth (1/4<sup>th</sup>) of one percent (1%) of all of the cigarettes sold in the United States and more than half the cigarettes manufactured or imported by that company are packaged into brand styles that meet this threshold. Total sales for all brand styles for fiscal year 2011 were [REDACTED] sticks. The following is the actual sales volume for the fiscal year 2011 and we anticipate more or less the same for the calendar year 2012. Global Tobacco's fiscal year is same as the calendar year.

1.	Global Classic Red /100's/ Box	[REDACTED]	Sticks
2.	Global Classic Gold /100's/Box	[REDACTED]	Sticks
3.	Global Classic Menthol /100's/Box	[REDACTED]	Sticks
4.	Global Classic Menthol Gold /100's/Box	[REDACTED]	Sticks
5.	Global Classic Silver /100's/Box	[REDACTED]	Sticks
6.	Global Classic Red /Kings/Box	[REDACTED]	Sticks
7.	Global Classic Gold /Kings/Box	[REDACTED]	Sticks
8.	Global Classic Menthol /Kings/Box	[REDACTED]	Sticks
9.	Global Classic Red/100's/Soft	[REDACTED]	Sticks
10.	Global Classic Gold/100's/Soft	[REDACTED]	Sticks



www.globaltobaccollc.com

11.	Global Classic Menthol/100's/Soft		Sticks
12.	Global Classic Menthol Gold/100's/Soft		Sticks
13.	Global Classic Silver/100's/Soft		Sticks
14.	Global Classic Red /Kings/Soft		Sticks
15.	Global Classic Gold /Kings/Soft		Sticks
16.	Global Classic Menthol /Kings/Soft		Sticks
<b>Total actual sales of Global Classic Brand</b>			<b>Sticks</b>

1.	Patriot Red /100's/Soft		Sticks
2.	Patriot Gold /100's/Soft		Sticks
3.	Patriot Menthol /100's/Soft		Sticks
4.	Patriot Menthol Gold /100's/Soft		Sticks
5.	Patriot Silver /100's/Soft		Sticks
6.	Patriot Red /Kings/Soft		Sticks
7.	Patriot Gold /Kings/Soft		Sticks
8.	Patriot Menthol /Kings/Soft		Sticks
<b>Total actual sales of Patriot Brand</b>			<b>Sticks</b>

1.	Silver Cloud Red /100's/Soft		Sticks
2.	Silver Cloud Gold /100's/Soft		Sticks
3.	Silver Cloud Menthol /100's/Soft		Sticks
4.	Silver Cloud Menthol Gold /100's/Soft		Sticks
5.	Silver Cloud Silver /100's/Soft		Sticks
6.	Silver Cloud Red /Kings/Soft		Sticks
7.	Silver Cloud Gold /Kings/Soft		Sticks
8.	Silver Cloud Menthol /Kings/Soft		Sticks
<b>Total actual sales of Silver Cloud Brand</b>			<b>Sticks</b>

1.	Global Fiesta Red/100's/Box		Sticks
2.	Global Fiesta Gold/100's/Box		Sticks
3.	Global Fiesta Menthol/100's/Box		Sticks
4.	Global Fiesta Menthol Gold/100's/Box		Sticks
5.	Global Fiesta Silver/100's/Box		Sticks
6.	Global Fiesta Red/Kings/Box		Sticks
7.	Global Fiesta Gold/Kings/Box		Sticks
8.	Global Fiesta Menthol/Kings/Box		Sticks
<b>Total actual sales of Global Fiesta Brand</b>			<b>Sticks</b>





According to the foregoing formula, equalization per brand style is appropriate where (1) the company's annual sales of that brand style were less than one-fourth ( $1/4^{\text{th}}$ ) of one percent (1%) of all of the cigarettes sold in the United States in the previous fiscal year and (2) more than half of the cigarettes manufactured or imported by that company are packaged into brand styles that meet this low sales threshold.

Based on the foregoing anticipated sales volume, it seems that each of the foregoing brand styles qualifies for warning label equalization as our projected sales of each brand style would be less than one-fourth ( $1/4^{\text{th}}$ ) on one percent (1%) of all of the cigarettes sold in the United States.

I will ensure that all four of the required warnings shall be equally displayed on the packs and cartons of each brand style for the coming year by equalizing the use of each warning within each shipment of each brand style such that 25% of the packs and cartons shipped per shipment per brand style will display one of the four required warnings. As set forth below, I shall cause appropriate records to be maintained demonstrating that the four required warnings are equally placed on the packs and cartons of the foregoing brand styles.

### **C. Records of Compliance**

I represent that I will maintain records demonstrating compliance with this plan at my principal place of business.

## **II. ADVERTISING**

Global Tobacco, LLC intends to follow the "Advertising" requirements of the FCLAA.

On July 19, 2010 you approved Global Tobacco Company's plan for advertising for the Global Classic, Patriot, and Silver Cloud and Global Fiesta brands. This plan covers print advertisement not to exceed ten square feet in size. We will maintain compliance with this plan with respect to the "Advertising" requirements of the FCLA, including a discussion of the warning label size and placement, and the warning label rotation.

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

The size of our advertisements will not exceed ten square feet. We will use the warnings formats that were submitted by the five leading U.S. cigarette manufacturers with their 1985 plans and we will place the warnings as specified in those plans. Accordingly, for its advertising I propose the quarterly rotation of warning labels in its advertisements set forth below.

We currently do not intend to operate a company website and do not intend to advertise our products in such website. Although a company web site ([www.globaltobaccollc.com](http://www.globaltobaccollc.com)) is listed in our company letterhead, it is not functional and we do not have any plans to operate such web site in near future. However, in future, if we do operate a company website, we will submit our advertisement plans along with web-site details for FTC approval.



**B. Warning Label Rotation:**

We continue to maintain the following quarterly rotation schedule for advertising of the four required warning statements.

- 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.

My schedule for quarterly rotation of the warnings in advertising is as follows:

	Global Classic	Patriot	Silver Cloud	Global Fiesta
First Quarter (Jan. – March)	A	B	C	D
Second Quarter (Apr. – June)	B	C	D	A
Third Quarter (July – Sept.)	C	D	A	B
Fourth Quarter (Oct. – Dec.)	D	A	B	C

Thank you for your prompt 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,

Sultan J Ali  
Vice President  
Global Tobacco LLC  
2861 Congressman Ln, Suite # 300  
Dallas, Texas 75220  
Phone: 214-357-6653  
Fax: 214-357-6655



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

Division of  
Advertising Practices

July 11, 2012

Sultan J. Ali  
Global Tobacco, LLC  
2861 Congressman Lane  
Dallas, TX 75220

Dear Mr. Ali:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Global Tobacco, LLC (“Global Tobacco”) on July 9, 2012, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Global Classic, Patriot, Silver Cloud, and Global Fiesta brands of cigarettes.

Global Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated May 13 and June 17, 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, Global Tobacco’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the Global Classic brand: Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack);

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<sup>1</sup> Global Tobacco stated in its July 9, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs of the Global Classic brand and on the sample packs and cartons of the Fiesta brand initially submitted on May 13, 2010 contained capitalization errors, corrected samples were submitted on June 17, 2010.

- Eight soft pack varieties of the Patriot brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 100's;
- Eight soft pack varieties of the Silver Cloud brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 100's; and
- Eight hard pack varieties of the Global Fiesta brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 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 has previously approved.

Approval of Global Tobacco'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.

Please note that this letter only approves Global Tobacco's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Global Tobacco'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 Global Tobacco's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Global Tobacco'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 July 10, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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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.

Sultan J. Ali  
July 11, 2012  
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If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,

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

Mary K. Engle  
Associate Director

July 11, 2012

LAW OFFICE OF

# G. GEORGE BERTRAM

RESULT DRIVEN REPRESENTATION

WWW.RECOVERYLAW.COM

Ms. Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 Pennsylvania Avenue, N.W., Mail Drop NJ-3212

Attention: Ms. Sallie Schools

Renewal of Surgeon General's Warning Rotation Plan for  
Tantus Tobacco LLC Cigarette Brands: Berkley, Berley, Main Street,  
Sport, Golden Blend, GSmoke, and 24/7

Dear Ms. Engle:

Please be advised that I am the attorney for Tantus Tobacco, a manufacturer of tobacco products, located at 200 Progress Dr., Russell Springs, Kentucky 42642; phone number (270)-866-8888. Tantus has been manufacturing the following seven brands of cigarettes at its facility: Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7. The contact person for the company will continue to be its President, Brian Cooper, who can be reached at the above address and phone number.

The brand styles of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes Tantus intends to manufacture are listed on Exhibit "A". Actual samples of the Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 packs and cartons for the various brand styles listed on Exhibit "A" (showing exactly where and how the four (4) Surgeons General's health warnings appear and will continue to appear on those brands and styles Tantus is manufacturing) were enclosed with our letters dated June 7, 2010, June 21, 2010.

In fiscal year 2011, (January 1, 2011 through December 31, 2011), Tantus manufactured approximately [REDACTED] cigarettes (all were Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke and 24/7 brand cigarettes). Tantus anticipates manufacturing less than [REDACTED] cigarettes in fiscal year 2012. A chart outlining Tantus' sales for fiscal year 2011 and anticipated manufacturing plans for fiscal year 2012 by brand is attached hereto as Exhibit "B".

No one brand style of cigarettes sold by Tantus has, for the past fiscal year (same as calendar year), constituted more than 1/4 of 1% of all the cigarettes sold in the United

States in calendar year 2011 and Tantus anticipates that no one brand style will constitute more than 1/4 of 1% of all the cigarettes sold in the United States in calendar year 2012. In addition, more than one-half of the cigarettes manufactured by Tantus for sale in the United States in fiscal year 2011 was packaged into brand styles which meet the requirements of 15 U.S.C. § 1333(c)(2)(A)(i).

As a "small manufacturer" (as defined in the Act), Tantus wishes to renew its plan to equalize the four health warning statements required by 15 U.S.C. § 1333(c) for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brands. Each of the four warning statements will appear on the packs and cartons of each brand style of Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 brand cigarettes manufactured by Tantus an equal number of times in the one year period beginning on the date this plan is approved. Tantus will maintain records demonstrating compliance with this plan.

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

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

Tantus has an advertising rotation plan in place for its Berkley, Berley, Main Street, Sport, Golden Blend, GSmoke, and 24/7 cigarettes which was approved by the FTC on August 30, 2005, September 6, 2006, November 16, 2006, January 22, 2007, July 18, 2007. Tantus has an internet advertising plan in place for its Berkley, Berley, 24/7, Golden Blend, GSmoke, MainStreet, and Sport cigarettes that was approved on September 18, 2008. Tantus is in compliance with these plans and would like to continue these plans.

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

July 11, 2012

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Bertram", with a large, stylized flourish extending to the right.

G. George Bertram, Esq.

GGB/lf

Original : FedEx

Enclosures



**EXHIBIT "A" LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

<b>Brand</b>
<b>24/7</b>
Red King Box
Gold King Box
Menthol King Box
Red 100's Box
Gold 100's Box
Menthol 100's Box
Silver 100's Box
Menthol Gold 100's Box
<b>Berley</b>
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft
Gold 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Menthol Gold King Box
Menthol Gold King Soft
Blue 100's Soft
Blue 100's Box
Blue King Box
Blue King Soft
Non Filter King Soft
<b>Berkley</b>
Red King Box
Red King Soft
Red 100's Soft
Red 100's Box
Gold King Box
Gold King Soft
Gold 100's Soft

Gold 100's Box
Silver King Soft
Silver 100's Soft
Silver 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol Gold King Soft
Menthol Gold 100's Soft
Menthol Gold 100's Box
Non Filter King Soft
<b>Golden Blend</b>
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold 100's Soft
Gold King Box
Gold 100's Box
Silver 100's Soft
Silver 100's Box
Menthol 100's Soft
Menthol 100's Box
Menthol Gold 100's Box
Menthol Gold 100's Soft
Non Filter King Soft
<b>Main Street</b>
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Blue 100's Soft
Blue 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol 100's Box
Menthol King Box
Menthol Gold 100's Soft
Menthol Gold 100's Box
<b>G Smoke</b>
Red King Soft

Red 100's Soft
Red King Box
Red 100's Box (Woman)
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Gold 100's Box (Woman)
Blue 100's Soft
Menthol King Soft
Menthol 100's Soft
Menthol Gold 100's Box (Woman)
<b>Sport</b>
Red King Soft
Red 100's Soft
Red King Box
Red 100's Box
Gold King Soft
Gold 100's Soft
Gold King Box
Gold 100's Box
Blue 100's Soft
Blue 100's Box
Menthol King Soft
Menthol 100's Soft
Menthol King Box
Menthol 100's Box
Menthol Gold 100's Soft
Menthol Gold 100's Box

**EXHIBIT "B"**  
**TANTUS TOBACCO, LLC**

**Cigarette Brand**

**Anticipated Sales in Fiscal 2012**

Berkley

Berley

Sport

Main Street

GSmoke

Golden Blend

24/7



**Cigarette Brand**

**Sales in Fiscal 2011**

Berkley

Berley

Sport

Main Street

GSmoke

Golden Blend

24/7



**EXHIBIT "C"**  
**TANTUS TOBACCO, LLC**  
**SCHEDULE OF WARNINGS FOR**  
**PRINT ADVERTISING**

<b>Brand Name</b>	<b>Quarter One Jan. 1st to March 31st</b>	<b>Quarter Two April 1st to June 30th</b>	<b>Quarter Three July 1st to Sept. 30th</b>	<b>Quarter Four Oct. 1st to December 31st</b>
Berley	C	D	A	B
Berkley	B	C	D	A
24/7	A	B	C	D
Golden Blend	A	B	C	D
Sport	D	A	B	C
Main Street	C	D	A	B
GSmoke	B	C	D	A

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



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

Division of  
Advertising Practices

July 11, 2012

G. George Bertram  
200 Progress Drive Suite 500  
Russell Springs, KY 42642

Dear Mr. Bertram:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco LLC (“Tantus”) on July 11, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 24/7, Berley, Berkley, Golden Blend, Main Street, GSmoke, and Sport brands of cigarettes.

Tantus’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated June 7 and June 21, 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, Tantus’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eight hard pack varieties of the 24/7 brand: Red King, Red 100's, Gold King, Gold 100's, Menthol King, Menthol 100's, Silver 100's, and Menthol Gold 100's;
- Twenty-one varieties of the Berley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold King (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), Blue King (hard pack and soft pack), Blue 100's (hard pack and soft pack), and Non Filter King soft pack;

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<sup>1</sup> Tantus stated in its July 11, 2012 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on June 7, 2010 and June 21, 2010.

G. George Bertram

July 11, 2012

Page 2

- Eighteen varieties of the Berkley brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Silver King soft pack, Silver 100's (hard pack and soft pack), Menthol King soft pack, Menthol 100's (hard pack and soft pack), Menthol Gold King soft pack, Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Fourteen varieties of the Golden Blend brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King hard pack, Gold 100's (hard pack and soft pack), Silver 100's (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack), and Non Filter King soft pack;
- Sixteen varieties of the Main Street brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), Menthol Gold 100's (hard pack and soft pack);
- Fourteen varieties of the GSmoke brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's soft pack, Menthol soft pack (King and 100's), and "Woman" 100's hard pack (Red, Gold, and Menthol Gold); and
- Sixteen varieties of the Sport brand: Red King (hard pack and soft pack), Red 100's (hard pack and soft pack), Gold King (hard pack and soft pack), Gold 100's (hard pack and soft pack), Blue 100's (hard pack and soft pack), Menthol King (hard pack and soft pack), Menthol 100's (hard pack and soft pack), and Menthol Gold 100's (hard pack and soft pack).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>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 Tantus'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 Tantus'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 Tantus's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Tantus'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

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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.

G. George Bertram  
July 11, 2012  
Page 3

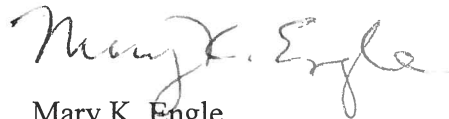
Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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 July 10, 2013, or until 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





1041 W State Route 108  
Shelton, Washington 98584

July 11, 2012

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

Dear Ms. Engle:

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

Skookum Creek Tobacco Company's rotation plan for "Complete," "Premis," and "Traditions" was approved July 20, 2011.

Skookum Creek Tobacco now request approval of the following items:

- I. Renewal of the current rotation plan for the brand families "Complete", "Premis" and "Traditions" as were approved on the date stated in the previous paragraph. All Skookum Creek brand styles are identified in Exhibit A (Sales figures and Estimates)
- II. In addition to our current products, the Company is now adding to its rotation plan one new brand family (Turkish Special). The warnings will appear exactly as shown on the sample packs and cartons for the brand submitted with my letter dated February 14, 2012. A complete list of the brand styles associated with this new brand family is provided in Exhibit B. In addition, the Company request the approval of additional carton packaging to be used within the "Turkish Special" brand family, specifically, "Turkish Special Full Flavor 100's Box", "Turkish Special High Air Filter 100's Box" and "Turkish Special Menthol 100's Box", Turkish Special Full Flavor King Size Box", "Turkish Special High Air Filter King Box" and "Turkish Special Menthol King Size Box. The new carton styles offering six (6) individual packs of cigarettes for sale verses the convention ten (10) packs. The warnings will appear exactly as shown on the sample cartons submitted with my letter dated February 14, 2012. This packaging will be used on a limited bases for sales and promotional purposes. Skookum Creek Tobacco estimates that less than ten percent of finished product will be packaged using this style.

Skookum Creek Tobacco Company, 1041 W. State Route 108, Shelton WA, 98584  
Administrative Contact:  
Michael Bell, Quality Assurance Manager  
360-229-3616

III. Request approval of additional carton packaging to be used within the "Complete" brand family, specifically "Complete FF King Size Box", "Complete Menthol King Size Box", "Complete High Air King Size Box", "Complete FF 100's Box", "Complete Menthol 100's Box" and "Complete High Air 100's Box). The new carton styles offering six (6) individual packs of cigarettes for sale verses the convention ten (10) packs. The warnings will appear exactly as shown on the sample cartons submitted with my letter dated February 14, 2012. This packaging will be used on a limited bases for sales and promotional purposes. Skookum Creek Tobacco estimates that less than ten percent of finished product will be packaged using this style.

No changes are proposed for the "Complete" or "Premis" brand families. Warnings for existing brand styles will appear exactly as shown on the sample packaging previously submitted to and approved by the FTC.

Skookum Creek Tobacco Company predicts that sales for the next one year period for all its brand styles will not exceed the sales limits in 15 U.S.C. 133(c)(2)(A)(i). Copies of projected sales and estimate for all brand styles are attached as Exhibits A and B. Units are shown in "Sticks". Please note that The fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the Federal fiscal year.

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

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

Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan expansion.

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

Sincerely,



Michael Bell, Quality Assurance Manager

FDA, FTC, CDC Compliance Manager

**Exhibit A Skookum Creek Tobacco Co., Inc. Brand Families**

<p><b>COMPLETE</b>                  Full Flavor Kings [soft pack]                  High Air Kings [soft pack]                  Ultra High Air Kings [soft pack]                  Menthol Kings [soft pack]                  Menthol High Air Kings [soft pack]                  Full Flavor 100s [soft pack]                  High Air 100s [soft pack]                  Ultra High Air 100s [soft pack]                  Menthol 100s [soft pack]                  Menthol High Air 100s [soft pack]                  Non Filter Kings [soft pack]                  Full Flavor 100s [hard pack]                  High Air 100s [hard pack]                  Ultra High Air 100s [hard pack]                  Menthol 100s [hard pack]                  Menthol High Air 100s [hard pack]                  Full Flavor Kings [hard pack]                  High Air Kings [hard pack]                  Ultra High Air Kings [hard pack]                  Menthol Kings [hard pack]                  Menthol High Air Kings [hard pack]                  Non Filter Kings [hard pack]</p>	<p><b>PREMIS</b>                  Full Flavor Kings [soft pack]                  High Air Kings [soft pack]                  Ultra High Air Kings [soft pack]                  Menthol Kings [soft pack]                  Menthol High Air Kings [soft pack]                  Full Flavor 100s [soft pack]                  High Air 100s [soft pack]                  Ultra High Air 100s [soft pack]                  Menthol 100s [soft pack]                  Menthol High Air 100s [soft pack]</p>
<p><b>TRADITIONS</b>                  (Additive Free Tobacco)                  High -Air Filter 100s [hard pack]                  Full Flavor 100s [hard pack]                  Menthol 100s [hard pack]                  Non-Filter Kings [hard pack]                  High-Air Filter Kings [hard pack]                  Menthol Kings [hard pack]                  Full Flavor Kings [hard pack]</p>	<p><b>TRADITIONS</b>                  (Not additive-free)                  Non-Filter Kings [hard pack]                  Menthol Kings [hard pack]                  Full Flavor Kings [hard pack]                  High Air Flavor Kings [hard pack]                  Menthol 100s [hard pack]                  Full Flavor 100s [hard pack]                  High Air Flavor 100s [hard pack]</p>

**Brands of Cigarettes**

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

## **Exhibit A Skookum Creek Tobacco Co., Inc. Brand Families**

### **TURKISH SPECIAL**

Full Flavor 100s Hard Pack

Full Flavor Kings Hard Pack

High Air 100s Hard Pack

High Air Kings Hard Pack

Menthol 100s Hard Pack

Menthol Kings Hard Pack

### **Brands of Cigarettes**

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

Product Item #	Brand Family	Brand Name	Units Sold FY 2011	Projected FY 2012	Current FY Sales 10/11-02/15/2012
01-50000	Complete 85mm Full Flavor Soft	Complete			
01-50001	Complete 85mm High Air Soft	Complete			
01-50002	Complete 85mm Ultra High Air Soft	Complete			
01-50003	Complete 85mm Menthol Soft	Complete			
01-50004	Complete 85mm Menth High Air Soft	Complete			
01-50005	Complete 100mm Full Flavor Soft	Complete			
01-50006	Complete 100mm High Air Soft	Complete			
01-50007	Complete 100mm Ultra High Air Soft	Complete			
01-50008	Complete 100mm Menthol Soft	Complete			
01-50009	Complete 100mm Menth High Air Soft	Complete			
01-50010	Complete 85mm Non-Filter Soft	Complete			
01-50011	Complete 100mm Full Flavor Box	Complete			
01-50012	Complete 100mm High Air Box	Complete			
01-50013	Complete 100mm Ultra High Air Box	Complete			
01-50014	Complete 100mm Menthol Box	Complete			
01-50015	Complete 100mm Menthol High Air Box	Complete			
01-50017	Complete 85mm Full Flavor Box	Complete			
01-50018	Complete 85mm High Air Box	Complete			
01-50019	Complete 85mm Ultra High Air Box	Complete			
01-50020	Complete 85mm Menthol Box	Complete			
01-50021	Complete 85mm Menthol High Air Box	Complete			
01-50022	Complete 85mm Non-Filtered Box	Complete			
01-50023	Premis 85mm Full Flavor Soft	Premis			
01-50024	Premis 85mm High Air Soft	Premis			
01-50025	Premis 85mm Ultra High Air Soft	Premis			
01-50026	Premis 85mm Menthol Soft	Premis			
01-50027	Premis 85mm Menthol High Air Soft	Premis			
01-50028	Premis 100mm Full Flavor Soft	Premis			
01-50029	Premis 100mm High Air Soft	Premis			
01-50030	Premis 100mm Ultra High Air Soft	Premis			
01-50031	Premis 100mm Menthol Soft	Premis			
01-50032	Premis 100mm Menthol High Air Soft	Premis			
01-50511	Traditions 100mm Full Flavor Box	Traditions			
01-50513	Traditions 100mm High-Air Box	Traditions			
01-50514	Traditions 100mm Menthol Box	Traditions			
01-50517	Traditions 85mm Full Flavor Box	Traditions			
01-50519	Traditions 85mm High-Air Box	Traditions			
01-50520	Traditions 85mm Menthol Box	Traditions			
01-50522	Traditions 85mm Non-Filtered Box	Traditions			
01-50530	Traditions 85mm King Size Full Flavor Box	Traditions			
01-50531	Traditions 85mm King Size High Air Box	Traditions			
01-50534	Traditions 85mm King Size Menthol Box	Traditions			
01-50535	Traditions 85mm King Size Non-Filter Box	Traditions			
01-50537	Traditions 100mm Full Flavor Box	Traditions			
01-50538	Traditions 100mm High-Air Box	Traditions			
01-50539	Traditions 100mm Menthol Box	Traditions			
01-50700	Turkish Special 85mm King Size Full Flavor Box	Turkish Special			
01-50701	Turkish Special 85mm King Size High Air Box	Turkish Special			
01-50703	Turkish Special 85mm King Size Menthol Box	Turkish Special			

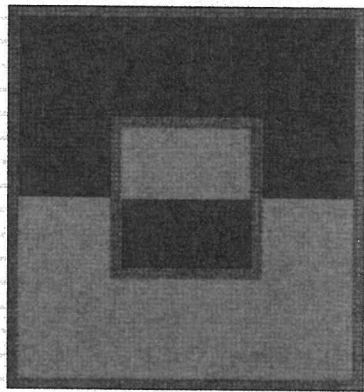
01-50705 Turkish Special 100mm Full Flavor Box  
01-50706 Turkish Special 100mm High-Air Box  
01-50708 Turkish Special 100mm Menthol Box

Turkish Special  
Turkish Special  
Turkish Special



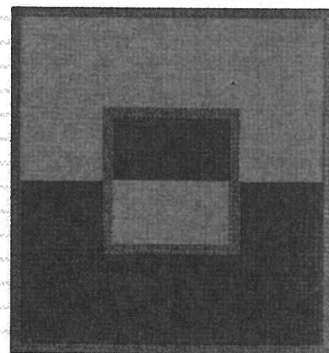
Selected packaging samples from those  
submitted with the plan.

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



# COMPLETE

*Full Flavor  
Deluxe Kings Box*



# COMPLETE

*Full Flavor  
Deluxe Kings Box*

**120  
CLASS A  
FILTER  
CIGARETTES**

*Sales to  
Minors  
Prohibited*

**SKOOKUM CREEK  
TOBACCO**  
[www.skookumcreek.com](http://www.skookumcreek.com)

**MADE IN U.S.A.**



TPWA1



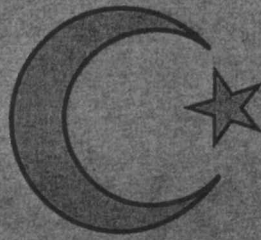
Sales to  
Minors  
Prohibited

**TURKISH  
SPECIAL**

**TURKISH  
SPECIAL**

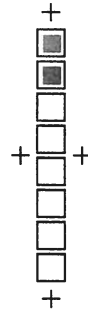
HIGH AIR FILTER  
CRUSH PROOF BOX

**TURKISH  
SPECIAL**



*Cigarettes*

HIGH AIR FILTER  
CRUSH PROOF BOX



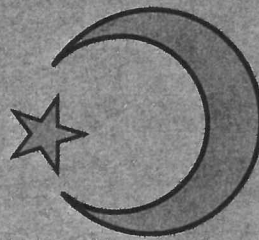
1 2 3 4 5 6 7 8 9 10 11 12 08 09 10 11 12 13 14

HIGH AIR FILTER  
CRUSH PROOF BOX

**TURKISH  
SPECIAL**

HIGH AIR FILTER  
CRUSH PROOF BOX

*Cigarettes*



20 CLASS A  
CIGARETTES

8 05000 20958 9  
FSC  
TPMA1

www.skooban.com  
Skooban Cigarettes

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

Sales to Minors  
Prohibited

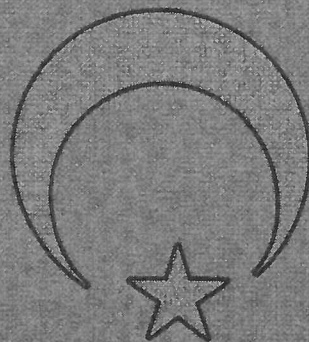
200 CLASS A CIGARETTES

**TURKISH  
SPECIAL**

FULL FLAVOR  
CRUSH PROOF BOX

**TURKISH  
SPECIAL**

FULL FLAVOR  
CRUSH PROOF BOX

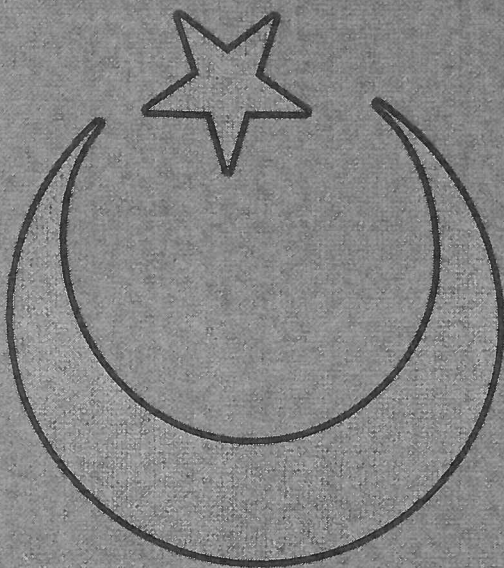


**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.

FULL FLAVOR  
CRUSH PROOF BOX

**TURKISH  
SPECIAL**

FULL FLAVOR  
CRUSH PROOF BOX



  
**SKOOKUM CREEK**  
TOBACCO

[www.skookumcreek.com](http://www.skookumcreek.com)  
TPWA1

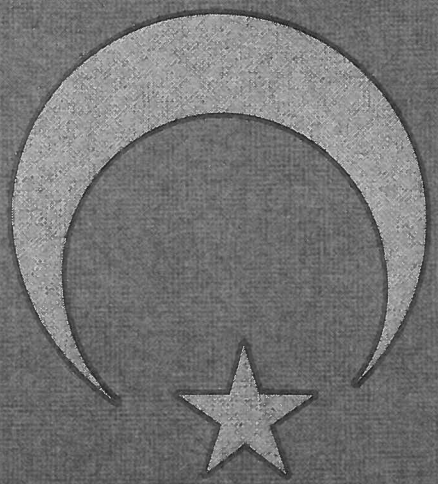


6 85602 00060 5

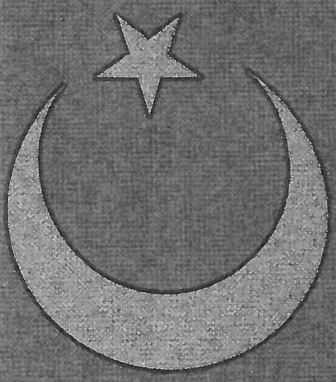
FSC

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

**TURKISH  
SPECIAL**  
*Cigarettes*  
MENTHOL  
CRUSH PROOF BOX



**TURKISH  
SPECIAL**



*Cigarettes*  
MENTHOL  
CRUSH PROOF BOX

120  
CLASS A  
CIGARETTES

Sales to Minors  
Prohibited

STOCKING CLUB  
TOWNSHIP  
www.stockingclub.com



6 85602 00214 2



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

Division of  
Advertising Practices

July 12, 2012

Michael Bell  
Skookum Creek Tobacco Co., Inc.  
1041 W. State Route 108  
Shelton, WA 98584

Dear Mr. Bell:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on July 11, 2012, calling for simultaneous display (i.e. the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete, Premis, Traditions, and Turkish Special brands of cigarettes.

Skookum Creek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates 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>

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
Complete	April 12, 2007 June 9, 2008 July 10, 2008 March 11, 2010 February 14, 2012 (limited edition 6-pack cartons) <sup>2</sup>
Premis	April 12, 2007 March 11, 2010

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<sup>1</sup> Skookum Creek stated in its July 11, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<sup>2</sup> Submission of limited edition packaging for the Full Flavor (Kings and 100’s), Menthol (Kings and 100’s), and High Air (Kings and 100’s) varieties only.

Traditions	September 16, 2008 September 30, 2008 January 12, 2011
Turkish Special	February 14, 2012 <sup>3</sup>

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

- Twenty-two varieties of the Complete brand: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), High Air Kings (soft pack and hard pack), High Air 100's (soft pack and hard pack), Ultra High Air Kings (soft pack and hard pack), Ultra High Air 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol High Air Kings (soft pack and hard pack), Menthol High Air 100's (soft pack and hard pack), and Non-Filter Kings (soft pack and hard pack);
- Ten soft pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's);
- Fourteen hard pack varieties of the Traditions brand:
  - Seven Additive Free hard pack varieties: Full Flavor (Kings and 100's), High-Air Filter (Kings and 100's), Menthol (Kings and 100's), and Non-Filter Kings;
  - Seven non-Additive Free hard pack varieties: Full Flavor (Kings and 100's), High-Air Filter (Kings and 100's), Menthol (Kings and 100's), and Non-Filter Kings; and
- Six hard pack varieties of the Turkish Special brand: Full Flavor (Kings and 100's), High Air (Kings 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 has previously approved.

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

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<sup>3</sup> Includes submission of limited edition 6-pack cartons.

<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.

Michael Bell  
July 12, 2012  
Page 3

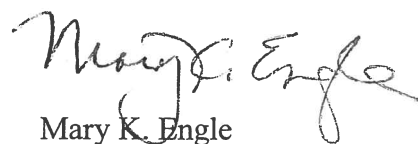
Please note that this letter only approves Skookum Creek's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Skookum Creek's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Skookum Creek's cigarettes, including, but not limited to, "additive-free." Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum Creek'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 July 11, 2013, 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

# SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496  
155 and 175 Rochester Street  
Salamanca, NY 14779

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

July 13, 2012

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Heron Cigarettes

Dear Ms. Engle:

Please consider this letter our annual compliance letter. Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Heron cigarettes was originally submitted to the Federal Trade Commission on December 17, 2007, and was approved on December 19, 2007.

The Heron cigarette brand will now be manufactured in the following varieties:

Red 100's Soft Pack  
Gold 100's Soft Pack  
Silver 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Gold 100's Soft Pack  
Crimson 100's Soft Pack  
No. 33 Black Red 100's Soft Pack  
No. 33 Back Gold 100's Soft Pack  
No.33 Black Menthol 100's Soft Pack

Red King Size Soft Pack  
Gold King Size Soft Pack  
Silver King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Gold King Size Soft Pack  
Non-Filter King Size Soft Pack  
Crimson King Soft Pack  
No. 33 Black Red King Soft Pack  
No. 33 Black Gold King Soft Pack  
No. 33 Black Menthol King Soft Pack

Red 100's Box  
Gold 100's Box  
Silver 100's Box  
Menthol 100's Box  
Menthol Gold 100's Box  
No. 33 Black Gold 100's Box  
Crimson 100's Box  
Natural 100's Box  
Natural Smooth 100's Box

Red King Size Box  
Gold King Size Box  
Silver King Size Box  
Menthol King Size Box  
Menthol Gold King Size Box  
Crimson King Box  
Natural King Box  
Natural Smooth King Box  
Natural Menthol King Box

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: HERON CIGARETTES  
JULY 13, 2012  
PAGE 2

Natural Menthol 100's Box  
No. 33 Black Red 100's Box  
No. 33 Black Menthol 100's Box

No. 33 Black Red King Box  
No. 33 Black Gold King Box  
No. 33 Black Menthol King Box  
Non-Filter King Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack"). The warnings will appear exactly as shown in samples provided to your office with our letters dated June 16, 2010, June 23, 2010, June 25, 2010, February 4, 2011, February 7, 2012 and March 21, 2012.

Seneca Manufacturing Company low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for each brand style for the 2011 fiscal year (calendar year ending December 31, 2011) are set out in Exhibit A along with anticipated 2012 sales.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Heron cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Heron cigarette brand styles as equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by FTC on December 17, 2007.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Gary C. Sanden

GCS/jlw  
Attachment



EXHIBIT A

Page 1

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

EXHIBIT A

Page 2

Heron-Brand Styles	Estimated Sales (2012)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Crimson 100's SP	
No. 33 Black Red 100's SP	
No. 33 Black Gold 100's SP	
No. 33 Black Menthol 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Crimson 100's Box	
Natural 100's Box	
Natural Smooth 100's Box	
Natural Menthol 100's Box	
No. 33 Black Red 100's Box	
No. 33 Black Gold 100's Box	
No. 33 Black Menthol 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Crimson King Box	
Natural King Box	
Natural Smooth King Box	
Natural Menthol King Box	
Non-Filter King Box	
No. 33 Black Red King Box	
No. 33 Black Gold King Box	
No. 33 Black Menthol King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	
Non-Filter King SP	
Crimson King SP	
No. 33 Black Red King SP	
No. 33 Black Gold King SP	
No. 33 Black Menthol King SP	

EXHIBIT A

Page 3

Sands-Brand Styles	Previous Year (2011) Sales/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Blue 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Blue 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Blue King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Blue King SP	

EXHIBIT A

Page 4

Heron-Brand Styles	Estimated Sales (2012)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Blue 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Blue 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Blue King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Blue King SP	



Division of  
Advertising Practices

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

July 13, 2012

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

Dear Mr. Sanden:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company ("Seneca") on July 13, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron brand of cigarettes.

Seneca's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated June 16, 23, and 25, 2010, February 4, 2011, February 7, 2012, and March 21, 2012 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, Seneca's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following forty-four varieties of the Heron brand: Red Kings (box and soft pack), Red 100's (box and soft pack), Gold Kings (box and soft pack), Gold 100's (box and soft pack), Silver Kings (box and soft pack), Silver 100's (box and soft pack), Menthol Kings (box and soft pack), Menthol 100's (box and soft pack), Menthol Gold Kings (box and soft pack), Menthol Gold 100's (box and soft pack), Non-Filter Kings soft pack, No. 33 Black Gold 100's box, Crimson Kings (box and soft pack), Crimson 100's (box and soft pack), No. 33 Black Red Kings (box and soft pack), No. 33 Black Red 100's (box and soft pack), No.

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<sup>1</sup> Seneca stated in its July 13, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although the warnings on the packs for the kings size soft pack varieties submitted on February 7, 2012 did not meet the size requirements of the Cigarette Act, corrected samples were submitted on March 21, 2012.

Gary C. Sanden  
July 13, 2012  
Page 2

33 Black Gold Kings (box and soft pack), No. 33 Black Gold 100's soft pack, No. 33 Black Menthol Kings (box and soft pack), No. 33 Black Menthol 100's (box and soft pack), Natural Kings box, Natural 100's box, Natural Smooth Kings box, Natural Smooth 100's box, Natural Menthol Kings box, Natural Menthol 100's box, and Non-Filter Kings box.

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 Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Seneca's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca's cigarettes, including, but not limited to, "natural" and "100% additive-free." Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca'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 July 12, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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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.

Gary C. Sanden  
July 13, 2012  
Page 3

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

Very truly yours,

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

Mary K. Engle  
Associate Director



July 20, 2012

**VIA FACSIMILE 202-326-3259;**  
**VIA OVERNIGHT COURIER**

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

**Cigarette Heath Warning Plan**  
**Seneca-Cayuga Tobacco Company and SKYDANCER and GOLDEN BAY brands**

Dear Ms. Engle:

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for SKYDANCER and GOLDEN BAY as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles of SKYDANCER and GOLDEN BAY brand soft pack and hard pack varieties. SCTC previously submitted a 2011 Plan Renewal on July 05, 2011 and your office approved the prior Plan on July 11, 2011.

SCTC is the manufacturer of SKYDANCER and GOLDEN BAY brand cigarettes. SCTC does not manufacture any other brands. The location of the factory is 65490 East 240 Road, Grove, OK 74344. Jerry Barber is President, Chuck Craig is Manager.

SCTC requests that the following styles constitute the Plan:

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



**SENECA – CAYUGA  
TOBACCO COMPANY**

Ms. Mary Engle  
July 20, 2012  
Page 2

Golden Bay Red (SP & HP), Golden Bay Gold (SP & HP), Golden Bay Menthol (SP & HP), Golden Bay Red 100's (SP & HP), Golden Bay Gold 100's (SP & HP), Golden Bay Menthol 100's (SP & HP), Golden Bay Menthol Gold 100's (SP & HP), Golden Bay Silver 100's (SP & HP).

In 2011, our total sales were [REDACTED] sticks of the SKYDANCER brand and [REDACTED] sticks of the GOLDEN BAY brand. Anticipated 2012 sales of SKYDANCER are [REDACTED] and GOLDEN BAY is [REDACTED] sticks.

Neither the packaging nor the appearance of the warnings has changed since the samples were provided to your office by letter on June 17, 2010. The warnings will appear exactly as shown on those samples.

The four health warning labels are printed in equal numbers on each printed sheet of packaging for all of its packs and cartons so when the sheets are die-cut, each shipment is approximately equalized for each brand style as manufactured. SCTC will keep records demonstrating compliance with the equalization of the warnings under this plan.

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

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

Very truly yours,

  
Cindy Kidd



Division of  
Advertising Practices

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

July 23, 2012

Cindy Kidd  
Seneca-Cayuga Tobacco Company  
65490 East 240 Road  
Grove, OK 74344

Dear Ms. Kidd:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca-Cayuga Tobacco Company (“Seneca-Cayuga”) on July 20, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer and Golden Bay brands of cigarettes.

Seneca-Cayuga’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated June 17, 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, Seneca-Cayuga’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Twenty varieties of the Skydancer brand: Premium Black Kings (soft pack and hard pack), Premium Black 100's (soft pack and hard pack), Premium Gold Kings (soft pack and hard pack), Premium Gold 100's (soft pack and hard pack), Premium Menthol Kings (soft pack and hard pack), Premium Menthol 100's (soft pack and hard pack), Premium Menthol Gold Kings (soft pack and hard pack), Premium Menthol Gold 100's (soft pack and hard pack), Premium Silver Kings (soft pack and hard pack), and Premium Silver 100's (soft pack and hard pack); and

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<sup>1</sup> Seneca-Cayuga stated in its July 20, 2012 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons submitted on June 17, 2010.

- Sixteen varieties of the Golden Bay brand: Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<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 Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Seneca-Cayuga's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca-Cayuga's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca-Cayuga's packaging and advertising under the 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 July 22, 2013, 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.



## VIRGINIA CAROLINA CORPORATION

www.virginiacarolinacorp.com

7575 NW 70<sup>th</sup> Street, Miami FL 33166

Tel: 305-888-0133 Fax: 305-888-0755

TP-FL1529 EIN: 58-237-3661

Monday, July 23, 2012  
Attn: Sallie Schools  
Federal Trade Commission  
Division of Advertising Practices  
600 Pennsylvania Ave, N.W.  
Room NJ-3212  
Washington, DC 20580

Ref: Virginia Carolina Corporation Packaging Plan for STAR USA, DIVA and BOSS brand of cigarettes.

Dear Sallie Schools:

This letter is being submitted for the approval of Virginia Carolina Corporation's plan for the display of the four Surgeon General's Health Warnings for packaging of the brand styles of the STAR USA, DIVA and BOSS brand of cigarettes listed below and manufactured in the USA by Virginia Carolina Corporation.

Virginia Carolina Corporation

### **BRAND STYLES OF CIGARETTES- Hard Pack**

Star USA Kings Box – Red Packaging  
Star USA Kings Box– Gold Packaging  
Star USA Kings Box – Dark Green Packaging  
Star USA 100's Box – Red Packaging  
Star USA 100's Box – Gold Packaging  
Star USA 100's Box - Dark Green Packaging  
Star USA 100's Box – Light Green Packaging  
Star USA 100's Box – Grey Packaging

Diva Kings Box Full Pleasure  
Diva Kings Box Smooth Pleasure  
Diva Kings Box Menthol Pleasure  
Diva 100's Box Full Pleasure  
Diva 100's Box Smooth Pleasure  
Diva 100's Box Menthol Pleasure

Diva 100's Box Smooth Menthol Pleasure  
Diva 100's Box Ultra Pleasure

Diva Kings Box Full Feeling  
Diva Kings Box Smooth Feeling  
Diva Kings Box Menthol Feeling  
Diva 100's Box Full Feeling  
Diva 100's Box Smooth Feeling  
Diva 100's Box Menthol Feeling  
Diva 100's Box Smooth Menthol Feeling  
Diva 100's Box Ultra Feeling

Boss Kings Box - Red Packaging  
Boss Kings Box - Blue Packaging  
Boss Kings Box Menthol  
Boss 100's Box - Red Packaging  
Boss 100's Box - Blue Packaging  
Boss 100's Box Menthol  
Boss 100's Box Smooth Menthol  
Boss 100's Box - Grey Packaging

Upon approval of this plan, the manufacturer intends to sell the Star USA, Diva and Boss brand cigarettes listed above under the authority of the Alcohol & Tobacco Tax and Trade Bureau, formerly the Bureau of Alcohol, Tobacco & Firearms (License TP-FL15029).

These cigarettes will be packaged in 200 count cartons, (Outer Cartons). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each (Pack).

The warnings for the Star USA, Diva and Boss brand cigarettes will appear exactly as shown on the sample packs and cartons submitted with my July 10<sup>th</sup>, 2012 letter. Moreover, as of this date, the Boss Slims styles are not in production.

The four (4) warnings are:

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

Pursuant to Section 1333(c) (2) of the Federal Cigarette Labeling and Advertising Act, Virginia Carolina Corporation proposes to use the alternative to quarterly rotation of the warnings on packaging.

As a small tobacco manufacturer, Virginia Carolina Corporation qualifies for this alternative as no brand style manufactured by Virginia Carolina Corporation has sales in excess of one-fourth of one percent of all cigarettes sold in the United States in the previous fiscal year. Pursuant to your request, Virginia Carolina Corporation's:

Collective 2011 sales totaled [REDACTED] sticks (collectively less than one-fourth of one percent of all cigarettes sold in the United States in 2011)

In the calendar year 2012, Virginia Carolina Corporation will manufacture the following brands:

1. Star USA
2. Diva
3. Boss

Virginia Carolina Corporation will display the four required Surgeon General's warnings an equal number of times on the packs and cartons of each Star USA, Diva and Boss brand styles listed above during the one year period beginning on the date of this plan's approval and will maintain records to demonstrate compliance with this plan. Tobacco Packaging Solutions, LLC, which supplies Virginia Carolina Corporation with cigarette packaging, displays the four required Surgeon General's warnings listed below an equal number of times on the packs and cartons of each cigarette brand style Virginia Carolina Corporation manufactures. Virginia Carolina Corporation orders a 30-60 day supply of packaging at a time, and every order contains an equal number of each of the four required Surgeon General's warnings on the packs and cartons of each brand style of cigarettes manufactured by Virginia Carolina Corporation.

Virginia Carolina Corporation is not advertising on the internet at this time. We have reserved the URL [www.virginiacarolinacorp.com](http://www.virginiacarolinacorp.com) but we are not actively developing the site. If we decide to use the internet for advertising at a later date, we will apply for the proper approval from the Federal Trade Commission.

Virginia Carolina Corporation will maintain compliance with the August 16, 2011 plan for advertising for Boss, Star USA and Diva Brands of cigarettes that was approved by the FTC on August 23, 2011 and the June 1, 2012 plan for advertising for Boss, Star USA and Diva Brands of cigarettes that was approved by the FTC on June 15, 2012.

If you have any questions or need any additional information, please feel free contact me at (305) 888 – 0133 or via email at [jacqueline.ribnick@bossvcc.com](mailto:jacqueline.ribnick@bossvcc.com)



Jacqueline Ribnick  
Virginia Carolina Corporation

Selected packaging samples from those  
submitted with the plan.

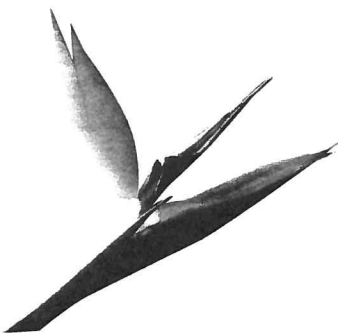
UNDERAGE  
SALE  
PROHIBITED

PLEASE  
DON'T  
LITTER

*Div*a.

*Div*a.  
*Ultra Pleasure*

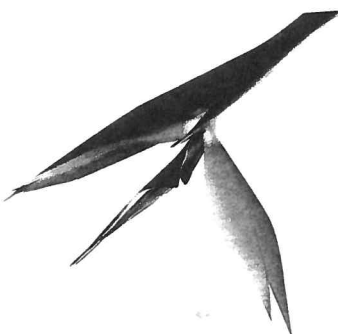
*Div*a.  
100's BOX



*Ultra Pleasure*  
20 CLASS A CIGARETTES

*Div*a.  
*Ultra Pleasure*

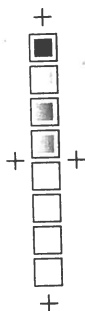
*Ultra Pleasure*  
20 CLASS A CIGARETTES



100's BOX

*Div*a.  
100's BOX

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



TPS (11)



VIRGINIA CAROLINA CORP.  
MIAMI, FL 33166  
MADE IN U.S.A.

*Div*a.  
100's BOX





KINGS BOX

*Full Feeling*

200 CLASS A CIGARETTES

PREMIUM KINGS

FSC



37 00281 2

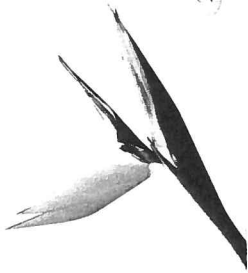


KINGS BOX

200 CLASS A CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

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

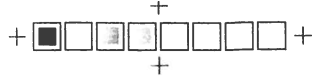
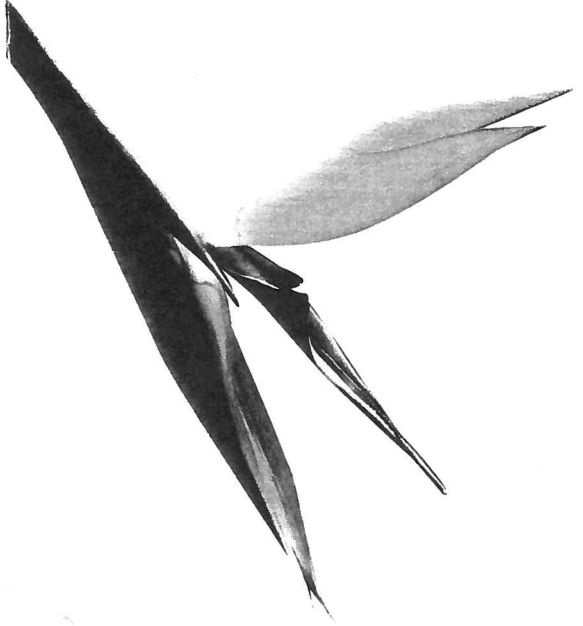


200 CLASS A CIGARETTES

PREMIUM KINGS

*Full Feeling*

KINGS BOX



UNDERAGE  
SALE  
PROHIBITED

CLASS  
QUALITY  
20  
CIGARETTES

★  
**STAR**  
**USA**  
★

★  
**STAR**  
**USA**  
★  
100's BOX

★  
**STAR**  
**USA**  
★



100's BOX

100's BOX

★  
**STAR**  
**USA**  
★

100's BOX



TPS (1)



FSC

VIRGINIA-CAROLINA CORP.  
MIAMI, FL 33166 U.S.A.  
www.virginia-carolina.com

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



TAR

★  
**STAR**  
★  
**USA**  
★



200 CLASS A CIGARETTES  
KINGS BOX

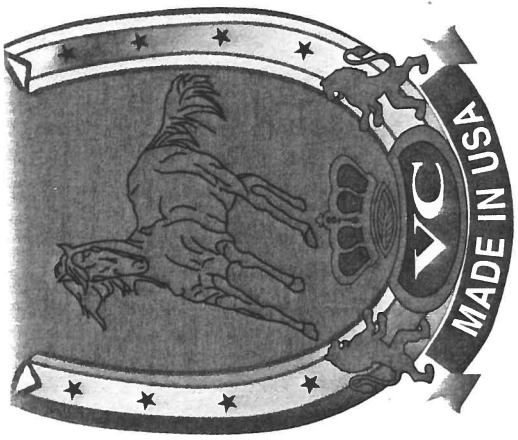
SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

★  
**STAR**  
★  
**USA**  
★

UNDERAGE  
SALE  
PROHIBITED



200 CLASS A CIGARETTES  
KINGS BOX



★  
**STAR**  
★  
**USA**  
★

TPS (3)

© 2003 Star USA Inc. All rights reserved.

KINGS BOX

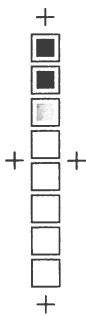
BOSS



KINGS BOX  
20 CLASS 'A' CIGARETTES

KINGS BOX

KINGS BOX  
20 CLASS 'A' CIGARETTES



TPS (15)



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

BOSS  
KINGS BOX  
20 CLASS 'A' CIGARETTES

BOSS

© 1999



# BOSS<sup>®</sup>

200 FILTER CIGARETTES

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

# BOSS<sup>®</sup>

100's BOX

**UNDERAGE  
SALE  
PROHIBITED**



200 FILTER CIGARETTES

# BOSS<sup>®</sup>



TFS (2)



Division of  
Advertising Practices

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

July 23, 2012

Jacqueline Ribnick  
Virginia Carolina Corporation  
7575 NW 70<sup>th</sup> Street  
Miami, FL 33166

Dear Ms. Ribnick:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Virginia Carolina Corporation (“VCC”) on July 23, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Star USA, Diva, and Boss brands of cigarettes.

VCC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated July 10, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, VCC’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eight Box varieties of the Star USA brand: Red Packaging (Kings and 100’s), Gold Packaging (Kings and 100’s), Dark Green Packaging (Kings and 100’s), Light Green Packaging 100’s, and Grey Packaging 100’s;
- Sixteen Box varieties of the Diva brand: Full Pleasure (Kings and 100’s), Smooth Pleasure (Kings and 100’s), Menthol Pleasure (Kings and 100’s), Smooth Menthol Pleasure 100’s, Ultra Pleasure 100’s, Full Feeling (Kings and 100’s), Smooth Feeling (Kings and 100’s), Menthol Feeling (Kings and 100’s), Smooth Menthol Feeling 100’s, and Ultra Feeling 100’s; and
- Eight Box varieties of the Boss brand: Red Packaging (Kings and 100’s), Blue Packaging (Kings and 100’s), Menthol (Kings and 100’s), Smooth Menthol 100’s, and Grey Packaging 100’s.

Jacqueline Ribnick  
July 23, 2012  
Page 2

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

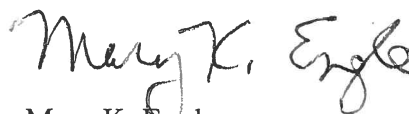
Please note that this letter only approves VCC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on VCC'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 VCC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of VCC'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 July 22, 2013, 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

---

<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.

LAW OFFICES OF  
**BARRY M. BOREN**

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Suite 1809  
Miami, Florida 33156

borenlaw@bellsouth.net

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

July 23, 2012

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

Attention: Mr. Will Ducklow

Renewal and Expansion  
of Surgeon General's Warning Rotation Plan for  
U.S. Flue-Cured Tobacco Growers, LLC for  
1839, Traffic, Kick, Fact, Creston, and Passport Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, U.S. Flue-Cured Tobacco Growers, LLC ("USFC"), a North Carolina limited liability corporation, with offices located at 250 Crown Blvd., Timberlake, North Carolina 27583 and the phone number is (919) 645-6007. USFC wishes to expand and renew its existing equalization Surgeon General's Warning Rotation Plans as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand names "1839," "Traffic," "Kick," "Fact," "Creston" and "Passport." The contact person for the company will be its Director of Operations, E. Stephen Daniel, who can be reached at the above address and phone number.

USFC wishes to expand its Surgeon General's Warning Rotation plan for the display of the health warnings on packaging for its 1839 brand of cigarettes by adding an additional brand style (non-filter king size soft pack).

USFC also wishes to renew its equalization plans for the display of the health warnings on packaging for its 1839, Traffic, Kick, Fact, Creston and Passport brands of cigarettes.

The brand styles of 1839, Traffic, Kick, Fact, Creston and Passport cigarettes USFC intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear



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

July 23, 2012  
Page 2

and will continue to appear on individual packs and cartons of the 1839, Traffic, Kick, Fact, Creston and Passport brands USFC is manufacturing 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.

USFC continues to qualify as a small importer/manufacturee as defined by the Act based on the following figures: USFC manufactured approximately [REDACTED] cigarettes (all were either 1839, Traffic, Fact, Kick, Creston and Passport brand cigarettes) in the fiscal year 2011.<sup>1</sup> In fiscal year 2012 to date, it has manufactured approximately [REDACTED] cigarettes (all were 1839, Traffic, Fact, Kick, Creston and Passport brand cigarettes).<sup>2</sup> USFC anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (1839, Traffic, Fact, Kick, Creston, and Passport ) in fiscal year 2012.

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

As a small manufacturer as defined by the Act, USFC wishes to renew the plan to equalize the health warning statements as required by 15 U.S.C. §1333(c) for its 1839, Traffic, Kick, Fact, Creston and Passport brands. Each of the four warning statements will appear on the packs and cartons of each brand style of 1839, Traffic, Kick, Fact, Creston and Passport cigarettes manufactured by USFC an equal number of times in the one year period beginning on the date the renewal of this plan is approved and USFC will continue to maintain records demonstrating compliance with this plan.

The individual packs of 1839, Traffic, Kick, Fact, Creston and Passport cigarettes to be manufactured by USFC 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.

USFC 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

---

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

<sup>2</sup> None of the figures provided include the cigarettes USFC is contract manufacturing for Premier Manufacturing Corp., Wellstone Tobacco Co., Lignum 2 and Konci G&D which are covered under their own FTC plans.

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

July 23, 2012  
Page 3

shipment should be approximately equalized for each brand style as manufactured. If, toward the end of the one year period, it appears that the warnings are not equalized on the packs and cartons for each brand style, USFC will place special orders for the specific health warnings needed to ensure that the display of all four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

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

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, or any instrumentality thereof.

USFC has advertising rotation plans as well as an internet advertising rotation plan in place for its 1839, Traffic, Kick, Fact, Creston and Passport cigarettes all of which have been approved by the FTC (see Exhibit "C"). USFC is in compliance with these plans and wishes to make no changes to any of its advertising plans at this time. All other provisions of the existing plans will remain in place.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/encs.

**EXHIBIT "A"**  
**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**BRAND STYLES OF CIGARETTES**

**1839**

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

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

Non Filter King Size Soft Pack

**TRAFFIC**

Red King Size Box  
Blue King Size Box  
Menthol Green King Size Box  
Non-Filter King Size Soft Pack

Red 100's Box  
Blue 100's Box  
Menthol Green 100's Box  
Silver 100's Box (med. blue packaging)  
Menthol Silver 100's Box (med. green packaging)

**FACT**

Regular King Size Box  
Menthol King Size Box

**KICK**

Full Flavor King Size Box  
Menthol King Size Box

Full Flavor 100's Box  
Menthol 100's Box

Non-Filter King Size Soft Pack

**CRESTON**

Full Flavor King Size Soft Pack  
Menthol King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack  
Menthol 100's Soft Pack

Full Flavor King Size Box  
Menthol King Size Box

Full Flavor 100's Box  
Menthol 100's Box

**PASSPORT**

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

Full Flavor 100's Soft Pack  
Menthol 100's Soft Pack  
Full Flavor King Size Box  
Menthol King Size Box

**EXHIBIT "B"**  
**U.S. FLUE-CURED TOBACCO GROWERS, INC.**

<b><u>BRAND</u></b>	<b><u>DATE[S] PACKAGING SUBMITTED TO FTC</u></b>
<b>1839</b>	2/20/07 5/12/10  5/23/12 (Non Filter King Size)
<b>Traffic</b>	4/29/05 and 11/9/10
<b>Fact</b>	5/9/05 6/8/05
<b>Kick</b>	5/9/05
<b>Creston</b>	8/11/05
<b>Passport</b>	8/18/05

Selected packaging samples from those  
submitted with the plan.

Underage  
Sale  
Prohibited

U.S. Fine-Cured  
Tobacco Growers, Inc.  
Timberlake, NC 27583  
www.go1839.com

TP-NC-16000  
FSC



PREMIUM BLEND

# 1839

An American Heritage



NON FILTER

*Kings*

A Product from U.S. Farmers

# 1839

NON FILTER  
KINGS



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

PREMIUM BLEND

# 1839

In 1839, farmers discovered a way to cure tobacco, adding rich flavor. The result was fine-cured tobacco. Today, fine-cured tobacco farmers have banded together to bring you a cigarette as rich as the tradition they maintain.

*The difference?* A product made with pride by the farmers who grow the tobacco. For more about the tradition of U.S. Fine-Cured Tobacco Growers, see [www.go1839.com](http://www.go1839.com).

NON FILTER

*Kings*

A Product from U.S. Farmers

418-3142-B

U.S. Fine-Cured  
Tobacco Growers, Inc.  
Timberlake, NC 27588  
[www.go1839.com](http://www.go1839.com)

200 Class A Cigarettes

# 1839

NON FILTER KINGS

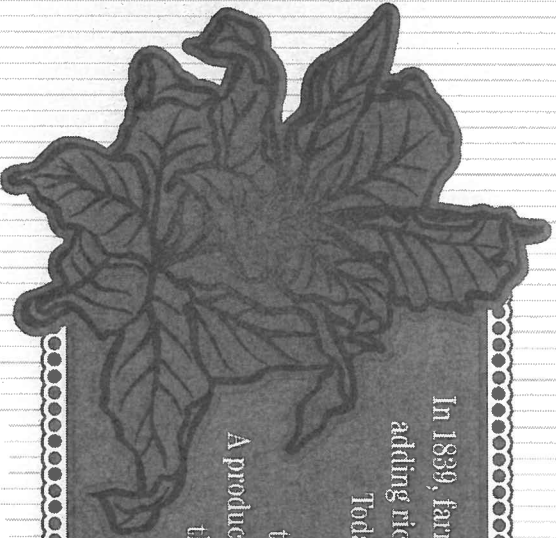
UNDERAGE  
SALE  
PROHIBITED

## PREMIUM BLEND

# 1839

NON FILTER

*Kings*



In 1839, farmers discovered a new way to cure tobacco, adding rich flavor. The result was fine cured tobacco.

Today, fine cured tobacco farmers have banded together to bring you a cigarette as rich as the tradition they maintain. *The difference?* A product made with pride by the farmers who grow the tobacco. For more about the tradition of

U.S. Fine Cured Tobacco Growers,  
see [www.go1839.com](http://www.go1839.com).

A Product from U.S. Farmers



A Product from U.S. Farmers

# 1839

NON FILTER KINGS

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

*Kings*

NON FILTER







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

Division of  
Advertising Practices

July 24, 2012

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, LLC (“USFC”) on July 23, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, Traffic, Kick, Fact, Creston, and Passport brands of cigarettes.

USFC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your 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:<sup>1</sup>

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
1839	February 20, 2007 May 12, 2010 May 23, 2012
Traffic	April 29, 2005 November 9, 2010
Fact	May 9, 2005 June 8, 2005

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<sup>1</sup> USFC stated in its July 23, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Kick	May 9, 2005
Creston	August 11, 2005
Passport	August 18, 2005

Accordingly, USFC's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter:

- Eleven varieties of the 1839 brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Green Box (Kings and 100's), Menthol Blue Box (Kings and 100's), and Non-Filter Kings Soft Pack;
- Nine varieties of the Traffic brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver 100's Box (medium blue packaging), Menthol Silver 100's Box (medium green packaging), and Non-Filter Kings Soft Pack;
- Two varieties of the Fact brand: Regular Kings Box and Menthol Kings Box;
- Five varieties of the Kick brand: Full Flavor Box (Kings and 100's), Menthol Box (Kings and 100's), and Non-Filter Kings Soft Pack;
- Nine varieties of the Creston brand: Full Flavor Soft Pack (Kings and 100's), Menthol Soft Pack (Kings and 100's), Non-Filter Kings Soft Pack, Full Flavor Box (Kings and 100's), and Menthol Box (Kings and 100's); and
- Nine varieties of the Passport brand: Full Flavor Soft Pack (Kings and 100's), Menthol Soft Pack (Kings and 100's), Non-Filter Kings Soft Pack, Full Flavor Box (Kings and 100's), and Menthol Box (Kings and 100's).

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<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 USFC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on USFC's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for USFC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of USFC's packaging and advertising under 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 M. Boren  
July 24, 2012  
Page 3

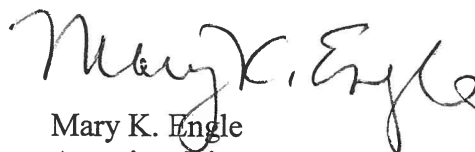
FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 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 July 23, 2013, 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

NANCYELLEN KEANE  
804.697.1272 telephone  
804.698.5140 facsimile  
nancyellen.keane@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
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P.O. Box 1122 (23218-1122)  
Richmond, Virginia 23219  
804.697.1200 telephone  
troutmansanders.com

August 9, 2012

**VIA EMAIL and FEDEX**

Ms. Sallie Schools  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ3212  
Washington, DC 20001

**Cigarette Health Warning Plan**  
**Cherokee Tobacco Company, LLC and CHEROKEE brand**

Dear Ms. Schools:

On behalf of Cherokee Tobacco Company, LLC (“Cherokee”) we hereby submit a request to revise the Surgeon General's Equalization Plan for Cherokee as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended (“FCLAA”), for all styles of CHEROKEE brand soft pack and hard pack varieties. Cherokee previously submitted its 2011 Plan Renewal on July 6, 2011 and your office approved the prior Plan on July 11, 2011.

Through the date of this application, the Surgeon General's warnings on the packages for the brand styles of the CHEROKEE brand have been equalized in accordance with the Plan.

Cherokee continues as the exclusive distributor of CHEROKEE brand cigarettes in the U.S. and holder of exclusive rights to the trademark for the CHEROKEE brand. Kathryn C. Farley is President and General Manager of Cherokee and Firebird Manufacturing, LLC (“Firebird”). The location of the factory remains at 1057 Bill Tuck Highway, South Boston, VA 24592. The contract manufacturer is Firebird. We do not import or export any cigarettes of this brand.

Cherokee has a plan for the following styles:

Cherokee Red Kings soft pack, Cherokee Red 100's soft pack, Cherokee Blue Kings soft pack, Cherokee Blue 100's soft pack, Cherokee Blue Kings Box, Cherokee Menthol Green Kings soft pack, Cherokee Menthol Green 100's soft pack, Cherokee Menthol Green Kings Box, Cherokee Menthol Gold

TROUTMAN  
SANDERS

Ms. Sallie Schools  
August 9, 2012  
Page 2

Kings soft pack, Cherokee Menthol Gold 100's soft pack, Cherokee Sky Kings soft pack, Cherokee Sky 100's soft pack, Cherokee Non Filter soft pack, Cherokee Red Kings Box.

In fiscal year 2011, our total sales were [REDACTED] sticks of the Cherokee brand. Anticipated sales of CHEROKEE in fiscal year 2012 will total [REDACTED] sticks .

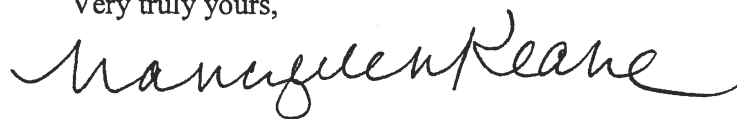
Four copies of each style (packs and cartons) were provided as enclosures to our letter of June 3, 2010. The warnings will appear exactly as shown on the samples provided with that letter. Cherokee will equalize the four health warnings on the packs and cartons for each brand style listed in the Plan for the one year period beginning on the date of approval of this Plan.

Beginning on the date of approval of this Plan, Cherokee 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, Cherokee requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. Cherokee will keep records demonstrating compliance with this Plan.

For advertising materials, there are no changes from the prior Plan dated April 11, 2005.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5140. Should you require any additional information with respect to the foregoing please contact me at 804-697-1272 or on my cell phone (804-350-2640).

Very truly yours,



Nancyellen Keane

Enclosures

cc: Kathryn C. Farley



Division of  
Advertising Practices

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

August 9, 2012

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

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, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Cherokee Tobacco Company, LLC (“Cherokee”) on August 9, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cherokee brand of cigarettes.

Cherokee’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 June 3, 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, Cherokee’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fourteen varieties of the Cherokee brand: Red Kings (soft pack and Box), Red 100's soft pack, Blue Kings (soft pack and Box), Blue 100's soft pack, Menthol Green Kings (soft pack and Box), Menthol Green 100's soft pack, Menthol Gold soft pack (Kings and 100's), Sky soft pack (Kings and 100's), and Non-Filter soft pack.

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<sup>1</sup> Cherokee stated in its August 9, 2012 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on June 3, 2010.

Nancyellen Keane  
August 9, 2012  
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.

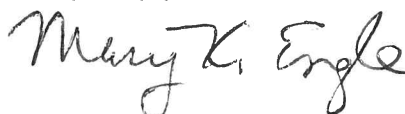
Please note that this letter only approves Cherokee's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Cherokee'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 Cherokee's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Cherokee'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 August 8, 2013, 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.

# X C A L I B E R

INTERNATIONAL, LTD., LLC

Brittani N. Cushman  
General Counsel

Pryor phone: (918) 824-0300  
Tulsa phone: (918) 585-9094  
Fax: (918) 585-1076

August 15, 2012

**Via E-mail to [cbrady@ftc.gov](mailto:cbrady@ftc.gov)**

**Via Express Mail**

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

Re: 2012-2013 Plan for Compliance with the Federal Cigarette Labeling and Advertising Act,  
15 U.S.C. §§ 1331-1340 – Echo, Edgefield, and Exeter Brand Styles

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”), Section 1333, Xcaliber International Ltd., L.L.C. (“Xcaliber”), submits the following narrative describing its plan to comply with the health warning display requirements. This plan represents the renewal of the plan previously approved by the Federal Trade Commission on August 3, 2011, for the packaging of the Echo, Edgefield, and Exeter Brands (collectively, the “Brands”). Through the date of this application, the Surgeon General’s warnings on the Brands’ packaging have been equalized in accordance with the Act. All current Brands and their styles are listed on **Attachment A**. All of the Brands for which this plan is submitted are manufactured in Pryor, Oklahoma, by Xcaliber.

## **I. Packaging**

- a. Warning Label Size and Location. Warnings will appear exactly as shown in the packs and cartons enclosed with Xcaliber’s submission, dated June 18, 2012. The

VORTEX

EXETER





warning statements are permanently imprinted on cigarette packs and cartons. The samples provided include each of the four warnings on packs and cartons for each brand style submitted.

- b. Warning Label Rotation. Pursuant to Section 1333(c)(2) of the Act, Xcaliber will display the four warnings an equal number of times on the packs and cartons for each of the Brands' styles for one year beginning with the approval date of this plan.

Please note Xcaliber's plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2). Xcaliber hereby states that the yearly sales volume for the Brands remains below the threshold under which the Federal Trade Commission may permit the plan to note display of the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2011 were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's 2011 sales and is referred to as **Attachment B**.

Xcaliber requires its print suppliers to produce packaging with all four warnings in a single print run. The soft pack labels are printed on a roll with an equal number of each warning within a 20-label space. Cartons and box packs for each of the Brands' styles are segregated by warning label. Xcaliber's process to ensure an equal use of each warning label is described in the following section, Records of Compliance.

- c. Records of Compliance. In the daily run of the packing machinery, the operator keeps a log of the number of labels by brand style used in the run and notes the number of each warning label packaged. Daily runs will not always be equal, but the log is monitored so that no less than monthly, adjustments are made to packaging to assure production such that the packs and cartons of each brand style are labeled with an equal representation of all four warnings.

Cartons and box packs for each brand style are segregated by label warning. The operator will log the use of each warning by brand style in the daily packing. As with the soft packs, the log will be reviewed periodically to adjust for the equal rotation of all four warning labels on packs and cartons of each brand style.

## II. Advertising

- a. Warning Label Size and Location. Xcaliber shall display the warnings required by Section 1333(a)(2) of the Act. Warnings will appear on advertisements in the

formats supplied on the FTC's website. Copies of the formats Xcaliber will be using were submitted on July 27, August 3, and August 15, 2012, and are referred to as **Exhibits 1 through 9**. A full list of the exhibits is enclosed and is referred to as **Attachment C**.

- b. Warning Label Rotation. Pursuant to Section 1333(c)(1) of the Act, Xcaliber will rotate the four warnings quarterly in alternating sequence in the advertisements for each of the Brands. The warnings will alternate according to the schedule provided in **Attachment D**. For multi-brand advertisements, the rotation will mirror that of our highest-selling brand, Echo.

Xcaliber plans to advertise only with printed signs (i.e., point-of-sale signs, pole signs, or shelf talkers). When these signs are needed, Xcaliber will submit artwork to its print suppliers. This artwork will reflect the appropriate warning statement format and appropriate warning statement for the quarter in which the advertisement is ordered. Upon receiving a shipment of printed signs from its print suppliers, Xcaliber will check to ensure that the appropriate warning statement format and warning statement for that quarter is imprinted on the sign.

- c. Website. Xcaliber is developing a website at [www.xcaliberinternational.com](http://www.xcaliberinternational.com). The warning statement on the site will be rotated quarterly according to the "multi-brand" schedule on **Attachment D**. The warning statement is static, meaning that it can be neither hidden nor removed. Scrolling through content on any webpage will not relocate the warning. The warning will also resize with the page content (i.e., if you maximize the browser window, the warning bar and warning will get bigger as well).

Prior to its launch, Xcaliber's website developer has provided a username and password in order to allow the FTC to review the warning statement format on the website. The username and password information is below:

Username: FTCUser

Password: xcaliber123 (case sensitive)

Should you have any questions or require additional information, please contact me at (918) 585-9094 or (918) 824-0300. I can also be reached via e-mail at [brittani@xcaliberinternational.com](mailto:brittani@xcaliberinternational.com).

Sincerely,

*Brittani Cushman*

**Brittani Cushman**

Enc: *Attachment A: List of Brand Styles*  
*Attachment B: Schedule of 2011 Sales*  
*Attachment C: List of Warning Statement Formats*  
*Attachment D: Schedule of Quarterly Rotation (Advertisements)*

**Attachment A**

**ECHO**

**Soft Pack**

Red 100  
Gold 100  
Blue 100  
Menthol 100 (dark green pack)  
Menthol Gold 100 (light green pack)  
Red King  
Gold King  
Blue King  
Menthol King (dark green pack)  
Menthol Gold King (light green pack)  
Non-Filter King (dark red pack)

**Box**

Red 100  
Gold 100  
Blue 100  
Menthol 100 (dark green pack)  
Menthol Gold 100 (light green pack)  
Red King  
Gold King  
Blue King  
Menthol King (dark green pack)  
Menthol Gold King (light green pack)  
Non-Filter King (dark red pack)

**EXETER**

**Soft Pack**

Red 100  
Gold 100  
Blue 100  
Menthol 100 (dark green pack)  
Menthol Gold 100 (light green pack)  
Red King  
Gold King  
Blue King  
Menthol King (dark green pack)  
Menthol Gold King (light green pack)  
Non-Filter King (dark red pack)

**Box**

Red 100  
Gold 100  
Blue 100  
Menthol 100 (dark green pack)  
Menthol Gold 100 (light green pack)  
Red King  
Gold King  
Blue King  
Menthol King (dark green pack)  
Menthol Gold King (light green pack)  
Non-Filter King (dark red pack)

**EDGEFIELD**

**Note: Edgefield is only available in a box.**

Red 100  
Gold 100  
Blue 100 (silver pack)  
Menthol 100 (dark green pack)  
Menthol Gold 100 (light green pack)

Red King  
Gold King  
Blue King (silver pack)  
Menthol King (dark green pack)  
Menthol Gold King (light green pack)  
Non-Filter King (dark red pack)

**Xcaliber International**  
**Unit Sales**  
**For the Period From Jan 1, 2011 to Dec 31, 2011**

<u>Item ID</u>	<u>Stocking U/M</u>	<u>Units Sold</u>	<u>Cartons</u>	<u>Sticks</u>
<b>Echo Box 100</b>				
ECH HLP 100 FF	60Case			
ECH HLP 100 LT	60Case			
ECH HLP 100 ML	60Case			
ECH HLP 100 MN	60Case			
ECH HLP 100 UL	60Case			
<b>Echo Box King</b>				
ECH HLP Kng FF	60Case			
ECH HLP Kng LT	60Case			
ECH HLP Kng ML	60Case			
ECH HLP Kng MN	60Case			
ECH HLP Kng NF	60Case			
ECH HLP Kng UL	60Case			
<b>Echo Soft Pack 100</b>				
ECH SP 100 FF	60Case			
ECH SP 100 LT	60Case			
ECH SP 100 ML	60Case			
ECH SP 100 MN	60Case			
ECH SP 100 UL	60Case			
<b>Echo Soft Pack King</b>				
ECH SP Kng FF	60Case			
ECH SP Kng LT	60Case			
ECH SP Kng ML	60Case			
ECH SP Kng MN	60Case			
ECH SP Kng NF	60Case			
ECH SP Kng UL	60Case			
<b>Edgefield Box 100</b>				
EDG HLP 100 FF	60Case			
EDG HLP 100 LT	60Case			
EDG HLP 100 ML	60Case			
EDG HLP 100 MN	60Case			
EDG HLP 100 UL	60Case			
<b>Edgefield Box King</b>				
EDG HLP Kng FF	60Case			
EDG HLP Kng LT	60Case			
EDG HLP Kng ML	60Case			
EDG HLP Kng MN	60Case			
EDG HLP Kng NF	60Case			
EDG HLP Kng UL	60Case			
<b>Exeter Box 100</b>				
EXE HLP 100 FF	60Case			
EXE HLP 100 LT	60Case			
EXE HLP 100 ML	60Case			
EXE HLP 100 MN	60Case			
EXE HLP 100 UL	60Case			
<b>Exeter Box King</b>				
EXE HLP Kng FF	60Case			
EXE HLP Kng LT	60Case			
EXE HLP Kng ML	60Case			
EXE HLP Kng MN	60Case			
EXE HLP Kng NF	60Case			
EXE HLP Kng UL	60Case			
<b>Exeter Soft Pack 100</b>				
EXE SP 100 FF	60Case			
EXE SP 100 LT	60Case			
EXE SP 100 ML	60Case			
EXE SP 100 MN	60Case			
EXE SP 100 UL	60Case			
<b>Exeter Soft Pack King</b>				
EXE SP Kng FF	60Case			
EXE SP Kng LT	60Case			
EXE SP Kng ML	60Case			
EXE SP Kng MN	60Case			
EXE SP Kng NF	60Case			
EXE SP Kng UL	60Case			
<b>Vortex Box 100</b>				
VOR HLP 100 FF	60Case		-	-
VOR HLP 100 LT	60Case		-	-
VOR HLP 100 ML	60Case		-	-
VOR HLP 100 MN	60Case		-	-
VOR HLP 100 UL	60Case		-	-
<b>Vortex Box King</b>				
VOR HLP Kng FF	60Case		-	-
VOR HLP Kng LT	60Case		-	-
VOR HLP Kng ML	60Case		-	-
VOR HLP Kng MN	60Case		-	-
VOR HLP Kng NF	60Case		-	-
VOR HLP Kng UL	60Case		-	-

## ATTACHMENT C

### Schedule for Warnings in Advertisements

Please note examples of each warning statement are included with these documents.

	<u>Size of Advertisement</u>	<u>Warning Statement</u>
Category 1.	0 to 65 square inches	Exhibit 1 and 1(a)
Category 2.	Over 65 to 110 square inches	Exhibit 2 and 2(a)
Category 3.	Over 110 to 180 square inches	Exhibit 3
Category 4.	Over 180 to 360 square inches	Exhibit 4
Category 5.	Over 360 to 470 square inches	Exhibit 5
Category 6.	Over 470 to 720 square inches	Exhibit 6
Category 7.	Over 5 to 10 square feet	Exhibit 7
Category 8.	Over 10 to 20 square feet	Exhibit 8
Category 9.	Over 20 to 40 square feet	Exhibit 9

## ATTACHMENT D

### Schedule for Quarterly Rotation

	Echo	Exeter	Edgefield	Multi-Brand
1st Quarter (Jan. - Mar.)	A	B	C	A
2nd Quarter (Apr. - June)	B	C	D	B
3rd Quarter (July - Sept.)	C	D	A	C
4th Quarter (Oct. - Dec.)	D	A	B	D

The warnings are as follows:

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

Selected packaging samples from those  
submitted with the plan.



XCALIBUR INTERNATIONAL, LTD.  
ONE TORONCO ROAD,  
P.O. BOX 100, GAITHERSBURG, MD 20878

*Echo*

*Echo*  
20 CLASS A CIGARETTES

FSC



100's

MENTHOL

MADE IN USA

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

*Echo*  
MENTHOL 100'S

BOX

MADE IN USA

MENTHOL

100's

20 CLASS A CIGARETTES

*Echo*

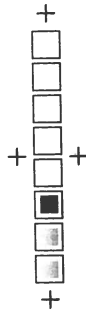
BOX

BOX

MENTHOL 100'S

*Echo*

BOX



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

W7

CLASS A  
20  
CIGARETTES

UNDERAGE  
SALE  
PROHIBITED

200 CLASS A CIGARETTES  
MADE IN USA



# Echo

KINGS

# Echo

KINGS

XCALIBUR INTERNATIONAL, LTD.  
ONE TOBACCO ROAD  
PAYOR, OKLAHOMA 74361

200 CLASS A CIGARETTES • MADE IN USA

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

# Echo

KINGS

200 CLASS A CIGARETTES • MADE IN USA

KINGS

UNDERAGE SALE  
PROHIBITED

FSC



EXETER  
KALIBRI INTERNATIONAL, LTD.  
ONE TOBACCO ROAD  
PRYOR, OKLAHOMA 74961

EXETER

KINGS

MADE IN USA



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

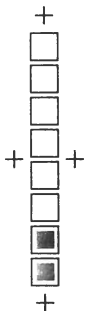
W/18

EXETER

KINGS BOX

MADE IN USA

KINGS



EXETER

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

20 CLASS A CIGARETTES



KINGS BOX

EXETER

UNDERAGE  
SALE  
PROHIBITED

20 CLASS A CIGARETTES



CLASS A  
20  
CIGARETTES

200 CLASS A CIGARETTES

EXETER

100'S

MADE IN USA

EXETER

100'S

MADE IN USA

100'S

EXETER

SALE OF THIS PRODUCT OUTSIDE THE  
STATE OF MISSOURI IS STRICTLY  
PROHIBITED BY STATE LAWS.

UNDERAGE SALE PROHIBITED



FSC

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

200 CLASS A CIGARETTES

3/14

11 12 08 09 10 11 12 13 14

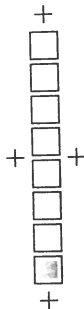
**Edgefield**  
KLAUBER INTERNATIONAL, LTD.  
ONE TORANCO ROAD  
PRYOR, OKLAHOMA 74361

FSC



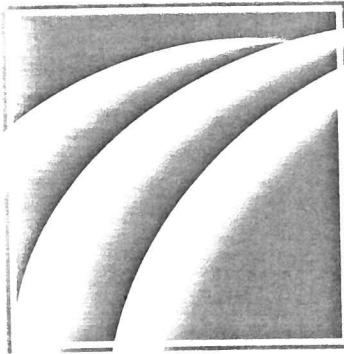
6

W/13



CLASS A  
20  
CIGARETTES

KINGS

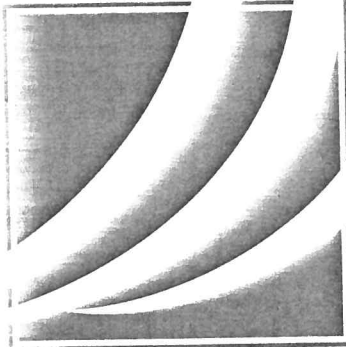


20 CLASS A CIGARETTES  
MADE IN USA



KINGS BOX

MADE IN USA  
20 CLASS A CIGARETTES



KINGS

**Edgefield**

KINGS BOX



**Edgefield**

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

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

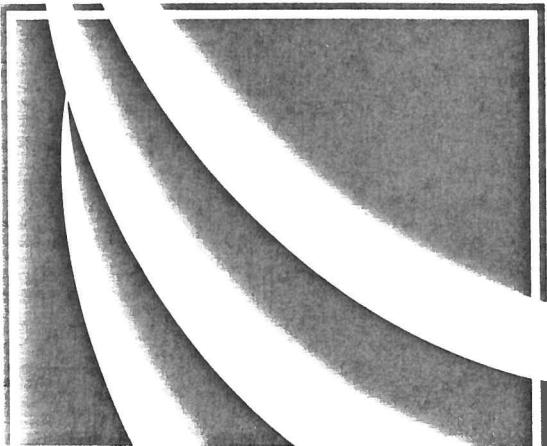
UNDERAGE  
SALE  
PROHIBITED

# Edgefield

100'S BOX

200 CLASS A CIGARETTES

MADE IN USA



UNDERAGE SALE PROHIBITED  
FSC  
SALE OF THIS PRODUCT OUTSIDE THE  
STATE OF MISSOURI IS STRICTLY  
PROHIBITED BY STATE LAWS.



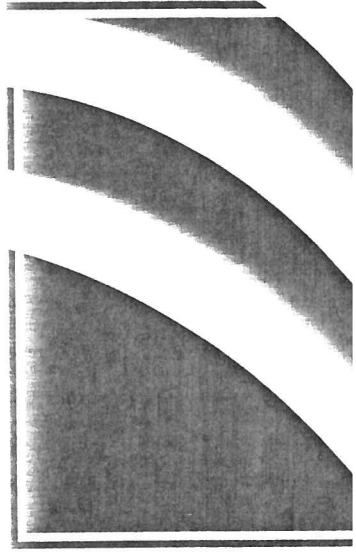
# Edgefield

100'S BOX

200 CLASS A CIGARETTES  
MADE IN USA

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

W4



# WYLLIN

WYLLIN



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

Division of  
Advertising Practices

August 17, 2012

Brittani N. Cushman  
General Counsel  
Xcaliber International, Ltd., LLC  
One Tobacco Road  
Pryor, OK 74361

Dear Ms. Cushman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC ("Xcaliber") on August 15, 2012, calling for: (1) quarterly rotation of the four health warnings in point-of-sale advertising up to 40 square feet in size for the Echo, Exeter, and Edgefield brands of cigarettes; (2) quarterly rotation of the four health warnings in internet advertising for the Echo, Exeter, and Edgefield brands; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Echo, Exeter, and Edgefield brands.

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

Xcaliber'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 June 18, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Xcaliber's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:<sup>1</sup>

- Twenty-two varieties of the Echo brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings 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 Kings 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), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;
- Twenty-two varieties of the Exeter brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings 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 Kings 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), Menthol Gold Kings Box (light green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack; and
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Blue Kings (silver packaging), Blue 100's (silver packaging), Menthol Kings (dark green packaging), Menthol 100's (dark green packaging), Menthol Gold Kings (light green packaging), Menthol Gold 100's (light green packaging), and Non-Filter Kings.

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

---

<sup>1</sup> As set forth in its August 15, 2012 letter, Xcaliber is using colors in the names of a number of its cigarette varieties (e.g., "Echo Red 100's Box"). We note, however, that the color names are not printed on the packaging (e.g., the word "Red" does not appear on the packaging of the "Echo Red 100's Box" variety). The color used for a variety's packaging does conform to the color used in its name, except that the packaging for the "Menthol Gold" varieties is light green in color, and the "Blue" varieties of the Edgefield brand have silver packaging.

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



Please note that this letter only approves Xcaliber's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation and size of the warnings in advertising and on packaging for the Echo, Exeter, and Edgefield brands. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Xcaliber's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Xcaliber'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 August 16, 2013, 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

# 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

August 21, 2012

## VIA FEDERAL EXPRESS

Ms. Sallie Schools  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

Dear Ms. Schools:

JT International U.S.A., Inc. received approval from the FTC on April 16, 2012 for its plan to equalize warnings on its “Wave” brand (and other brands). JT International U.S.A., Inc. is planning to make changes in the packages and cartons for sixteen of the eighteen brand styles within its “Wave” brand family, namely:

“Wave” full flavor (regular) 100 soft pack, Menthol 100 soft pack, full flavor (regular) king hard pack, Menthol king hard pack, full flavor (regular) king soft pack, Menthol king soft pack, full flavor (regular) 100 hard pack, Menthol 100 hard pack, Blue king hard pack, Blue king soft pack, Blue 100 hard pack, Blue 100 soft pack, Silver king hard pack, Silver 100 hard pack, Menthol Green king hard pack and Menthol Green 100 hard pack.

We submitted under cover of our letter dated July 20, 2012 the actual revised packages and cartons with all four health warnings for each such brand style.

The highlights of the revisions are as follows:

- Colors adjusted to be richer;
- Removal of the former bubble pattern, introducing a new swoosh;

Ms. Sallie Schools  
August 21, 2012  
Page 2

- "Wave" website has been added to the side panel;
- "Underage Sale Prohibited" has been added to the side panel;
- "Wave" crest has been added;
- New copy has been added to the back;
- New silver anchor has been added to bottom of pack; and
- Bottom of the pack color corresponds with flavor/SKU.

In all other respects, JT International U.S.A., Inc. will maintain compliance with the approval dated April 16, 2012 and the submittals on which it was based.

Artwork for these changes had been submitted to you under cover of our letters dated February 23, 2012 and, following input from you, again on March 24, 2012. Such artwork, incidentally, covered the two other "Wave" brand styles as well, namely, "Silver 100 soft pack" and "Menthol Green 100 soft pack", but present plans are not to introduce the new packaging for them.

Please confirm that this packaging is approved. Our client would appreciate it if this review could be handled as promptly as possible. We enclosed with our submittal dated July 20, 2012 a Federal Express airway bill which can be utilized to send an approval to me.

Thank you in advance for your kind and prompt consideration.

Very truly yours,



Neal N. Beaton

#11457664\_v4

Selected packaging samples from those  
submitted with the plan.

AMERICAN BLEND  
100'S  
Wave  
MENTHOL GREEN  
AMERICAN BLEND

100'S  
**Wave**  
MENTHOL GREEN  
AMERICAN BLEND

**Wave**



Premium Tobacco  
Crafted by Master Blenders  
Over 100 Years of Experience

20 CLASS A CIGARETTES


1028 US1 2  
13106554

100'S  
**Wave**  
MENTHOL GREEN

BOX

20 CLASS A CIGARETTES

100'S  
MENTHOL GREEN  
20 CLASS A CIGARETTES



**Wave**

Made in Italy for  
J.T. International U.S.A., Inc., N.J. 07068  
Contact us: 1-877-888-6288 • www.wavecigs.com

0 76940129167 9  
FSC

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

# Wave



Pr  
Cr  
Ov



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

BLUE BOX



# Wave

AMERICAN BLEND

BLUE BOX

# Wave

BOX



10/28/01 US 1 1  
13106458

5



Division of  
Advertising Practices

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

August 22, 2012

Neal N. Beaton  
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, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, Japan Tobacco International U.S.A., Inc. and its affiliates’ (collectively “JTI”) April 11, 2012 plan for simultaneous display of the four health warnings on packaging for certain varieties of the Wave, Export ‘A’, and Wings brands of cigarettes was approved on April 16, 2012. As described in your letter dated August 21, 2012, you now propose to redesign the packs and cartons for certain varieties of the Wave brand.

It appears that the health warnings on the redesigned packs and cartons for the following sixteen varieties of the Wave brand submitted with your letter dated July 20, 2012 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness: Full Flavor (regular) Kings soft pack, Full Flavor (regular) Kings box, Full Flavor (regular) 100’s soft pack, Full Flavor (regular) 100’s box, Menthol Kings (soft pack and box), Menthol 100’s (soft pack and box), Blue Kings (soft pack and box), Blue 100’s (soft pack and box), Silver Kings box, Silver 100’s box, Menthol Green Kings box, and Menthol Green 100’s box.

I wish to remind you that JTI’s health warning statement plan for display of the warnings on its cigarettes expires on April 15, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

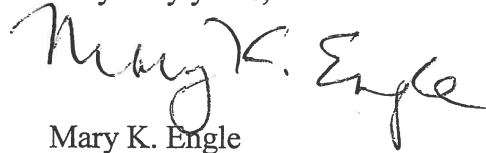
Please note that this letter is not an approval of any other design element, statement, or representation made on packaging for JTI’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of JTI’s packaging or advertising under the Family Smoking Prevention and Tobacco Control Act (“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).

Neal N. Beaton  
August 22, 2012  
Page 2

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. 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).

If you have any questions regarding this letter, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle  
Associate Director



LAW OFFICES OF  
**BARRY M. BOREN**

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

borenlaw@bellsouth.net

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

July 26, 2012

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

Attention: Ms. Sallie Schools

Renewal of Surgeon General's Warning Rotation Plan for  
for American Cigarette Company, Inc.  
for US-one, Union and Bridgeport Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, American Cigarette Company, Inc. ("ACC"), a Florida corporation, with offices located at 1291-B N.W. 65<sup>th</sup> Pl., Fort Lauderdale, FL 33309. The phone number is (954) 974-8853. ACC wishes to renew its existing equalization Surgeon General's Warning Rotation Plans as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand names "US-one," "Union" and "Bridgeport." The contact person for the company will be its Director, Karen Kamperman, who can be reached at the above address and phone number.

ACC wishes to renew its equalization plans for the display of the health warnings on packaging for its US-one, Union and Bridgeport brands of cigarettes.

The brand styles of US-one, Union and Bridgeport cigarettes ACC intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the US-one, Union and Bridgeport brands ACC is manufacturing 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.

ACC manufactured approximately [REDACTED] cigarettes in fiscal year <sup>1</sup> 2011 (all were Union, US-one and Bridgeport brands). To date, in fiscal year 2012, ACC has manufactured [REDACTED] cigarettes (all were Union, US-one and Bridgeport brands). ACC anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Union, US-one and Bridgeport) in fiscal year 2012.

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

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

The individual packs of Union, US-one and Bridgeport cigarettes to be manufactured by ACC 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.

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

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

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

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

Ms. Mary K. Engle Associate Director  
Federal Trade Commission

Page 3  
July 26, 2012

administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, or any instrumentality thereof.

ACC has advertising rotation plans in place for its US-one, Union and Bridgeport cigarettes all of which have been approved by the FTC. ACC is in compliance with these plans and wishes to make no changes to any of its advertising plans at this time. All other provisions of the existing plans will remain in place.

All other provisions of the existing plans will remain in place.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw/encs.

**EXHIBIT "A"**

**AMERICAN CIGARETTE COMPANY, INC.**

**BRAND STYLES**

**Bridgeport**

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

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

Red King Box  
Gold King Box  
Menthol Green King Box

Red King Soft Pack

**Union**

Full Flavor King Size Soft Pack  
Menthol King Size Soft Pack

Full Flavor 100's Soft Pack  
Menthol 100's Soft Pack

Full Flavor King Size Box  
Gold King Size Box  
Platinum King Size Box  
Menthol King Size Box  
Menthol Gold King Size Box

Full Flavor 100's Box  
Gold 100's Box  
Platinum 100's Box  
Menthol 100's Box  
Menthol Gold 100's Box

**Union Cigarettes - (without Eagle design):**

100's Box Red Background  
100's Box Blue Background  
100's Box Gold Background  
100's Box Green Background (UPC Code 4378 201098-Pack; 4378 201109-Carton)  
100's Box Light Green Background (UPC Code 4378 201099-Pack;  
4378 201110-Carton)

King Size Box Red Background  
King Size Box Gold Background  
King Size Box Green Background

**US-one**

Full Flavor King Size Box  
Gold King Size Box  
Menthol Ice King Size Box  
Silver King Size Box

Gold 100's Box  
Silver 100's Box  
Platinum 100's Box  
Menthol Ice 100's Box  
Menthol Silver Ice 100's Box

King Size Box Red Background  
King Size Box Gold Background  
King Size Box Green Background

100's Box Red Background  
100's Box Blue Background  
100's Box Gold Background  
100's Box Green Background (UPC Code 4378 201133-Pack;  
4378 201143-Carton)  
100's Box Light Green Background (UPC Code 4378 201134-Pack;  
4378 201144-Carton)

EXHIBIT "B"  
AMERICAN CIGARETTE COMPANY

<u>BRAND</u>	<u>DATE[S] PACKAGING SUBMITTED TO FTC</u>
<u>Bridgeport</u>	5/20/10
<u>Union</u>	10/19/06, 2/26/07 and 7/29/10
<u>US-one</u>	12/1/08, 11/13/09, 1/11/10, 1/21/10, 5/20/10 and 7/29/10



Division of  
Advertising Practices

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

August 22, 2012

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of American Cigarette Company, Inc. ("ACC") dated July 26, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Union, US-one, and Bridgeport brands of cigarettes.

ACC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to 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>
Union	October 19, 2006 February 26, 2007 July 29, 2010
US-one	December 1, 2008 November 13, 2009 January 11, 2010 January 21, 2010 May 20, 2010 July 29, 2010

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<sup>1</sup> ACC stated in its July 26, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Bridgeport	May 20, 2010

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

- Twenty-two varieties of the Union brand: Full Flavor soft pack (King and 100's), Menthol soft pack (King and 100's), Full Flavor Box (King and 100's), Menthol Box (King and 100's), Gold Box (with Eagle) (King and 100's), Platinum Box (with Eagle) (King and 100's), Menthol Gold Box (with Eagle) (King and 100's), Red Background Box (King and 100's), Blue Background Box 100's, Gold Background Box (King and 100's), Green Background Box (King and 100's), and Light Green Background Box 100's;
- Seventeen box varieties of the US-one brand: Full Flavor King, Gold (King and 100's), Menthol Ice (King and 100's), Silver (King and 100's), Platinum 100's, Menthol Silver Ice 100's, Red Background (King and 100's), Gold Background (King and 100's), Green Background (King and 100's), Blue Background 100's, and Light Green Background 100's; and
- Thirteen varieties of the Bridgeport brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Silver 100's (Box and Soft Pack), Menthol Green King Box, Menthol Green 100's (Box and Soft Pack), and Menthol Gold 100's Soft Pack.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>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 ACC'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 ACC'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 ACC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ACC's packaging and advertising under the FSPTCA or any regulations

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<sup>2</sup> As set forth in its July 26, 2012 letter, ACC is using colors in the names of a number of its cigarette varieties (e.g., "US-one Red Background King Box"). We note that the color names are not always printed on the packaging (e.g., the words "Red Background" do not appear on the packaging for the "US-one Red Background King Box" variety); however, the color used for a variety's packaging does conform to the color used in its name.

<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.



Barry Boren  
August 22, 2012  
Page 3

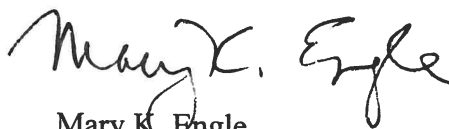
that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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 August 21, 2013, 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



# S&M BRANDS, INC.

August 23, 2012

*Makers of Bailey's, Tahoe and Riverside*

Associate Director of Advertising Practices  
Federal Trade Commission  
601 New Jersey Ave NW, Room # NJ 3212  
Washington, D.C. 20580  
(202) 326-3259 FAX  
Attention Sally Schools or William Ducklow

Re: Federal Trade Commission ("FTC") Health Warning/Advertising  
Rotation plan for S&M Brands, Inc. makers of Bailey's Cigarette,  
Tahoe Cigarettes, Riverside Cigarettes, and Valu Time  
Cigarettes

Dear Ms. Schools:

The undersigned is general counsel to S&M Brands, Inc. (sometimes the "Company"), a Virginia corporation located in Keysville, Virginia, that manufactures Bailey's Cigarettes, Tahoe Cigarettes, Riverside Cigarettes, and Valu Time Cigarettes under license from the U.S. Alcohol and Tobacco Tax and Trade Bureau.

The S&M Brands, Inc. FTC health warning plan for packaging and advertising ("Plan") for its initial brand, Bailey's Cigarettes, was first approved by the FTC on December 8, 1995, by Associate Director C. Lee Peeler of the Division of Advertising Practices. The Company has obtained FTC approval for its Plan for each subsequent year for all of its cigarette brand offerings.

By letter dated January 11, 2010 the Company proposed to change the names of a variety of the Bailey's, Tahoe, and Riverside brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Amended Plan via letter dated January 12, 2010.

By letter dated August 31, 2010 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, and Riverside cigarette brands. The company proposed to change the names of a variety of the Valu Time brand styles of cigarettes, and modify the packaging accordingly. The FTC approved the Plan via letter dated August 31, 2010.

By letter dated June 17, 2011 the Company sought approval for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time cigarette brands with no changes made to its plan. The FTC approved the Plan via letter dated August 24, 2011.

This letter seeks FTC approval of the Company's Plan for the display of the four health warnings on packaging for its existing Bailey's, Tahoe, Riverside, and Valu Time Cigarette brands.

*Bailey's Cigarettes* are available in soft packs and in limited hard packs. The styles for *Bailey's soft packs* are: Filter Kings, Blue Kings, Sky Blue Kings, Menthol Kings, Green Field Menthol Kings, Filter 100's, Blue 100's, Sky Blue 100's, Menthol 100's, and Green Field Menthol 100's. The styles for *Bailey's hard packs* are: Filter Kings Box, Blue Kings Box, and Menthol Kings Box.

*Tahoe Cigarettes* are available in soft and in limited hard packs. The styles for *Tahoe soft packs* are: Filter Kings, Gold Kings, Sky Blue Kings, Menthol Kings, Evergreen Menthol Kings, Filter 100's, Gold 100's, Sky Blue 100's, Menthol 100's, and Evergreen Menthol 100's. The styles for *Tahoe hard packs* are: Filter Kings Box and Gold Kings Box.

*Riverside Cigarettes* are available in soft packs and in limited hard packs. The styles for *Riverside soft packs* are: Filter Kings, Blue Kings, Silver Kings, Menthol Kings, Teal Menthol Kings, Filter 100's, Blue 100's, Silver 100's, Menthol 100's), and Teal Menthol 100's. The styles for *Riverside hard packs* are: Filter Kings Box, Blue Kings Box, and Menthol Kings Box.

*Valu Time Cigarettes* are available in soft packs and in limited hard packs. The styles for *Valu Time soft packs* are: Filter Kings, Filter 100's, Gold 100's, Silver 100's, Menthol 100's, and Teal Menthol 100's. The styles for *Valu Time hard packs* are: Filter Kings Box, Gold Kings Box, and Menthol Kings Box.

With our letters dated November 23, 2009 and November 2, 2009 the Company has enclosed samples of all Bailey's, Tahoe, and Riverside cigarette brand styles including all four health warnings for each style that the Company will be manufacturing. The warnings will appear exactly as shown on those samples. With the Company's August 4, 2010 letter the Company has enclosed samples of all of the Valu Time cigarette brand styles that the Company will be manufacturing including all four health warnings for each style. The warnings for those brand styles will appear exactly as shown on the samples enclosed with that letter. Additional samples of Bailey's, Tahoe, Riverside, and Valu Time materials are available upon request, but the warnings that our Company uses will continue to appear exactly as on the exemplars previously provided to the FTC.

S&M Brands, Inc. will continue to equalize the four health warnings on the packs and cartons for each brand style of the Bailey, Tahoe, Riverside, and Valu Time brands.

As a small manufacturer, under our reading of applicable law, S&M Brands, Inc. has qualified (and we believe still qualifies) to have a Plan for the warnings on cigarette packages that would qualify the company to simultaneously display the four health warnings on cigarette packaging. The four warnings will appear an

equal number of times on the packs and cartons for each brand style of Bailey's, Tahoe, Riverside, and Valu Time brand cigarettes for a one year period beginning on the date of approval of this Plan. The technology used by our packaging supplier allows all packaging to arrive at our factory already equalized. The pack roll wraps are printed with the required warnings on packages in sequential order of 123 then 234 then 412, then 123 as the technology does not allow all 4 warnings on the roll. The supplier of the cut labels provides an equal number of warnings per box and box is exhausted before another box is opened. The carton packaging comes from the supplier in stacks of 500 per warning. Each stack is run through the machine and as each stack is replaced the next warning is used. All of these methods ensure equalization in the field. We will keep records demonstration compliance with this Plan.

Our sales by fiscal year are summarized in the chart below. Our fiscal year is the same as the calendar year. For fiscal year 2011 our actual sales are reported below. For fiscal years 2012 and 2013 our anticipated sales are reported below. The figures represent individual sticks sold.

**Volume in Sticks**

Year	Bailey's	Tahoe	Valu Time	Riverside
2011				
2012				
2013				

As to advertising, as in previous years, S&M Brands, Inc. remains in compliance with and would like to maintain its Plans for rotation of the warnings in advertising as previously approved by the FTC.

<sup>1</sup> Stick number breakdown by style:



<sup>2</sup> Stick number breakdown by style:



<sup>3</sup> Stick number breakdown by style:



Thank you so much for your attention to this matter. Please feel free to call the undersigned if you have any questions.

Yours very truly,



Everett W. Gee III  
Vice President Legal Affairs  
& General Counsel

cc: Mr. Malcolm L. Bailey, CEO

S & M Brands, Inc. makers of Bailey's Cigarettes, Tahoe Cigarettes, Riverside, and  
Valu Time Cigarettes  
3662 Ontario Road  
Suite B  
Keysville, VA 23947

**ROTATION PLAN FOR  
ADVERTISING AND PROMOTIONAL MATERIALS**

Bailey's Brand

First Quarter	C
Second Quarter	D
Third Quarter	A
Fourth Quarter	B

Tahoe Brand

First Quarter	B
Second Quarter	A
Third Quarter	D
Fourth Quarter	C

Riverside Brand

First Quarter	A
Second Quarter	B
Third Quarter	C
Fourth Quarter	D

Valu Time Brand

First Quarter	D
Second Quarter	C
Third Quarter	B
Fourth Quarter	A

The warnings are as follows:

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



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

Division of  
Advertising Practices

August 23, 2012

Everett W. Gee, III  
S&M Brands, Inc.  
3662 Ontario Road, Suite B  
Keysville, VA 23947

Dear Mr. Gee:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by S&M Brands, Inc. (“S&M Brands”) on August 23, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bailey’s, Tahoe, Riverside, and Valu Time brands of cigarettes.

S&M Brands’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated November 2 and November 23, 2009 (Bailey’s, Tahoe, and Riverside) and August 4, 2010 (Valu Time) 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, S&M Brands’ plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Thirteen varieties of the Bailey’s brand: Filter Kings (box and soft pack), Filter 100’s soft pack, Blue Kings (box and soft pack), Blue 100’s soft pack, Sky Blue Kings soft pack, Sky Blue 100’s soft pack, Menthol Kings (box and soft pack), Menthol 100’s soft pack, Green Field Menthol Kings soft pack, and Green Field Menthol 100’s soft pack;

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<sup>1</sup> S&M Brands stated in its August 23, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.



- Twelve varieties of the Tahoe brand: Filter Kings (box and soft pack), Filter 100's soft pack, Gold Kings (box and soft pack), Gold 100's soft pack, Sky Blue Kings soft pack, Sky Blue 100's soft pack, Menthol Kings soft pack, Menthol 100's soft pack, Evergreen Menthol Kings soft pack, and Evergreen Menthol 100's soft pack;
- Thirteen varieties of the Riverside brand: Filter Kings (box and soft pack), Filter 100's soft pack, Blue Kings (box and soft pack), Blue 100's soft pack, Silver Kings soft pack, Silver 100's soft pack, Menthol Kings (box and soft pack), Menthol 100's soft pack, Teal Menthol Kings soft pack, and Teal Menthol 100's soft pack; and
- Nine varieties of the Valu Time brand: Filter Kings (box and soft pack), Filter 100's soft pack, Gold Kings box, Gold 100's soft pack, Silver 100's soft pack, Menthol Kings box, Menthol 100's soft pack, and Teal Menthol 100's soft pack.

Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>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 S&M Brands' 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 S&M Brands' 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 S&M Brands' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of S&M Brands' 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).

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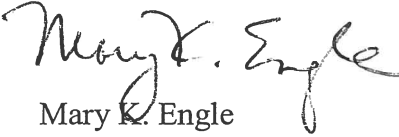
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Everett W. Gee, III  
August 23, 2012  
Page 3

**This approval is effective on the date of this letter and runs through August 22, 2013, 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,

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

Mary K. Engle  
Associate Director



**AMVATRADE CORP.**

290 Spagnoli Rd  
Melville, NY 11747

T 646.504.8008  
F 646.588.1986  
[amvatrade@gmail.com](mailto:amvatrade@gmail.com)

August 22, 2012

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

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

Dear Ms. Engle:

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

1. **Treasurer Luxury Black**, 90mm long, hardpack and paper carton
2. **Treasurer Luxury Gold**, 90mm long, hardpack and paper carton
3. **Treasurer Luxury Silver**, 90mm long, hardpack and paper carton
4. **Treasurer Luxury White**, 90mm long, hardpack and paper carton
5. **Treasurer Luxury Menthol**, 90mm long, hardpack and paper carton
6. **Treasurer Black**, 90mm long, aluminum pack and paper carton
7. **Treasurer Gold**, 90mm long, aluminum pack and paper carton
8. **Treasurer Silver**, 90mm long, aluminum pack and paper carton

Pursuant to Section 1333(c)(2) AMVATRADE Corp. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand styles of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2010 fiscal year was [REDACTED] sticks of cigarettes. AMVATRADE Corp.'s sales of cigarettes in the United States for the 2011 fiscal year was [REDACTED] sticks of cigarettes. We anticipate our sales of Treasurer brand of cigarettes for the 2012 fiscal year will be [REDACTED] sticks of cigarettes. AMVATRADE Corp. does not intend to import any other brands of cigarettes at this time.

Each shipment as imported, contains an equal number of each of the four warnings on the packs and cartons of each brand style of the Treasurer brand.

We will keep records demonstrating compliance with this plan.

AMVATRADE Corp. seeks to replace cartons of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol brand styles of cigarettes. Current approved cartons hold 10 packs of cigarettes. New cartons will hold 5 packs of cigarettes. We seek to replace the old 10-pack cartons with new 5-pack cartons and will stop importing the 10-pack cartons from the date of approval of this plan.

AMVATRADE Corp. will display the four health warning statements on the **Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White, Treasurer Luxury Menthol, Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles. The four health warning statements that will appear on the packs and cartons are as follows:

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

AMVATRADE Corp. will continue to comply with the advertising plan that was submitted by letter dated October 25, 2010 and approved by FTC by letter dated January 11, 2011.

AMVATRADE Corp. has submitted actual samples of packs and cartons for Treasurer Black, Treasurer Gold and Treasurer Silver brand style of cigarettes with letters dated May 20, 2010 (Treasurer Gold and Treasurer Silver) and July 30, 2010 (Treasurer Black). We will continue to import the same packs and cartons without any changes.

AMVATRADE Corp. has submitted actual samples of packs of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol brand styles of cigarettes with its letter dated June 15, 2011. We will continue to import the same packs without any changes.

AMVATRADE Corp. has submitted actual samples of cartons of Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol with its letter dated June 30, 2011. We will be replacing these cartons with new cartons.

In my letter, sent on July 26th, 2012, I have included actual samples of cartons, total of 20 cartons, of the aforementioned Treasurer Luxury Black, Treasurer Luxury Gold, Treasurer Luxury Silver, Treasurer Luxury White and Treasurer Luxury Menthol brand styles of cigarettes, showing the four health warning statements exactly as they will appear on the new 5-pack cartons.

Cordially,

  
Vardan Alamyany  
President, **AMVATRADE Corp.**

Selected packaging samples from those  
submitted with the plan.

TREASURER

LONDON

*An unequalled treasure,  
specially selected for the tobacco connoisseur.*

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

  
TREASURER  
LONDON

*Luxury Gold*

[www.chancellor-tobacco.com](http://www.chancellor-tobacco.com)



Division of  
Advertising Practices

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

August 27, 2012

Vardan Alumyan  
AMVATRADE Corp.  
290 Spagnoli Road  
Melville, NY 11747

Dear Mr. Alumyan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by AMVATRADE Corp. (“AMVATRADE”) on August 22, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Treasurer brand of cigarettes.

AMVATRADE’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated May 20, 2012 (Gold, Silver), July 30, 2010 (Black), June 15, 2011 (Treasurer Luxury packs), and July 26, 2012 (Treasurer Luxury cartons) 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, AMVATRADE’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following 90 mm varieties of the Treasurer brand: Black (aluminum pack), Gold (aluminum pack), Silver (aluminum pack), Luxury Black hard pack, Luxury Gold hard pack, Luxury Silver hard pack, Luxury White hard pack, and Luxury Menthol hard pack.

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> AMVATRADE stated in its August 22, 2012 letter that the four health warnings will appear exactly as shown on the packs and/or cartons submitted on these dates.

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

Vardan Alumyan  
August 27, 2012  
Page 2

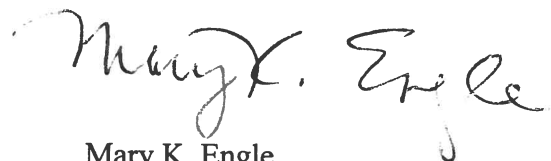
Please note that this letter only approves AMVATRADE's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on AMVATRADE'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 AMVATRADE's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of AMVATRADE'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 August 26, 2013, 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



# MARKETING GROUP USA, INC.

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August 28, 2012

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

RE: Annual Extension for the Approved Cigarette Warning Equalization Plan,  
Packaging compliant with Family Smoking Prevention and Tobacco Control Act  
Point of Sale Advertising

Dear Ms. Engle;

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

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

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

On September 28, 2010, an application to approve new packaging to comply with The Family Smoking Prevention and Tobacco Control Act (FSPTCA) was submitted.

New packaging was submitted on August 05, 2010 as follows:

Red Box 100 Size, formerly Full Flavor 100's  
Red Box King Size, formerly Full Flavor Kings

Gold Box 100 Size, formerly Lights  
Gold Box King Size, formerly Lights  
Silver Box 100 Size, formerly Ultra Lights

Menthol Box 100 Size  
Menthol King Size  
Menthol Gold Box, formerly Menthol Light

### Non-Filter Box King Size, formerly Non-Filter Soft Pack

That application for the change of brand style names was approved on September 30, 2010.

A subsequent plan extension was approved on October 31, 2011, valid to September 21, 2012.

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

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

Marketing Group USA, Inc. does not import cigarettes.

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

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

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 (10) packs ("Pack") of twenty (20) cigarettes each pack. The warnings will appear exactly as they do on the actual pack labels and cartons submitted under Exhibit A of our letter of August 05, 2010 and approved on September 30, 2010.

There were [REDACTED] stick sales for the period August 01, 2011 to present. A graph indicating no manufacture or sales is attached as **Exhibit 1**.

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

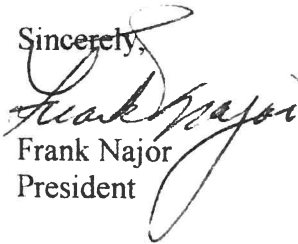
Upon approval of the extension, the four cigarette health warnings will appear on the packs and cartons of each of the brand styles listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette warnings appear on each of the above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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Najor". The signature is written in black ink and is positioned above the printed name and title.

Frank Najor  
President

**EXHIBIT 1**

<b>PRODUCT NEW YORK NEW YORK</b>	<b>STICKS (Sales Figures 08/01/2011 to 07/31/2012)</b>
Full Flavor (Red) 100 size box	
Full Flavor (Red) King size box	
Light (GOLD) 100 size box	
Light (GOLD) King size box	
Menthol 100 size box	
Menthol King size box	
Menthol Light (MENTHOL GOLD) 100 size box	
Ultra Light (SILVER) 100 size box	
Non-filter King size box	
TOTAL	

**EXHIBIT 2**

PRODUCT NEW YORK NEW YORK	Total Estimated Stick Sales 09/23/2012 to 09/21/2013
Full Flavor 100 size box	
Full Flavor King size box	
Light 100 size box	
Light King size box	
Menthol 100 size box	
Menthol King size box	
Menthol Light 100 size box	
Ultra Light 100 size box	
Non-filter King size soft pack	

**TOTAL**

[REDACTED]



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

Division of  
Advertising Practices

August 28, 2012

Frank Najor  
President  
Marketing Group USA, Inc.  
2515 Camino Del Rio South, Suite 350  
San Diego, CA 92108

Dear Mr. Najor:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Marketing Group USA, Inc. (“Marketing Group”) on August 28, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “New York New York” brand of cigarettes.

Marketing Group’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated August 5, 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, Marketing Group’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following nine Box varieties of the New York New York brand: Red (King and 100's), Gold (King and 100's), Silver 100's, Menthol (King and 100's), Menthol Gold 100's, and Non-filter King.

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> Marketing Group stated in its August 28, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on August 5, 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.

Frank Najor  
August 28, 2012  
Page 2

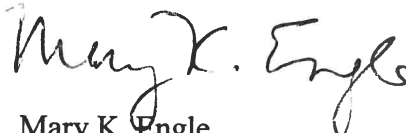
Please note that this letter only approves Marketing Group's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](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 August 27, 2013, 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



**SOVEREIGN TOBACCO CO.**

August 29, 2012

**VIA FEDEX**

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

**Re: Cigarette Health Warning Rotation Plan**

Dear Ms. Engle:

On August 31, 2011, the Federal Trade Commission (the "Commission") approved a cigarette health warning rotation plan submitted by D Cube, LLC dba Sovereign Tobacco Co. (the "Manufacturer") for the cigarette brand styles listed in Schedule A that expires on August 30, 2012 (Note that additional brand styles were approved but are not currently in production). Through the date of this letter, the Surgeon General's warnings on the packages for the Manufacturer's brands styles listed on Schedule A have been equalized in accordance with this plan.

The purpose of this letter is to request that a warning rotation plan be approved for the one-year period beginning on the date of your approval for the cigarette brand styles listed on Schedule A. Sample packs and outer cartons for the cigarette brand styles listed on Schedule A were submitted with letters dated as follows:

<b><u>Brand</u></b>	<b><u>Date(s)</u></b>
Bishop	May 24, 2010 June 17, 2010
Niagara's	October 16, 2002 October 7, 2003 November 29, 2003 August 11, 2009 September 15, 2009 May 24, 2010 June 17, 2010
Great Country	February 9, 2011 February 28, 2011
Cool Harbor	February 9, 2011

The actual packs and cartons to be manufactured and sold will be identical to the samples submitted with these letters.



Please note that we are in the process of revising packaging for the Bishop and Great Country brands and we will submit a revised request for these brands upon packaging completion.

The Manufacturer intends to manufacture and sell the cigarette brand styles listed on Schedule A at its factory located on the lands of the Oneida Indian Nation in Oneida, New York in the United States.

The total number of cigarettes sold by the Manufacturer in fiscal year 2011 is set forth in Schedule B and did not exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishops, Cool Harbor or Great Country (the only brands manufactured by the Manufacturer in 2011). I anticipate that in 2012, the total number of cigarettes sold will not exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishop, Great Country or Cool Harbor.

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

As a "small" manufacturer by virtue of the information set forth above, the Manufacturer states as its plan of rotation that the labels described in Section 1333(a)(2) of the Act and listed on Schedule C attached to this letter shall appear on the packages and cartons of the cigarette brand styles listed on Schedule A an equal number of times for the one year period commencing on the date of approval of this plan. In order to ensure equal distribution of the four warnings, we have a set process with our printing supplier to print one fourth of each order of packages and cartons with each one of the four warnings. We will keep records demonstrating compliance with this plan.

The Manufacturer submitted a plan for advertising (other than outdoor billboard advertising) and outdoor billboard advertising for the Niagara's, North Country (no longer in production), and Bishop brands on December 4, 2009, which was approved by the Commission on December 17, 2009, and a request to renew this advertising plan on July 7, 2010, which was approved by the Commission on August 3, 2010. In addition, the Manufacturer submitted a request to the Commission to amend this advertising plan to include the Great Country and Cool Harbor brands on February 28, 2011, which was approved by the Commission on March 2, 2011.

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

Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent to my attention at the above addresses (with a copy faxed to 315-361-8009). If you have any questions concerning the plan I have described, or need additional information, please call Jaime Previte at (315) 361-8044. Your prompt attention to this matter is greatly appreciated.

Sincerely,



Meghan Murphy Beakman

cc: Peter D. Carmen  
Bill Dvorak

**SCHEDULE A**

<b>BRAND</b>	<b>PACK TYPE</b>	<b>BRAND STYLES</b>	<b>DATE PACKAGING SUBMITTED TO THE FTC</b>	<b>DATE PLAN APPROVED BY FTC</b>	<b>DATE PLAN EXPIRES</b>
BISHOP	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s</li> <li>• Menthol Box 100s (Green)</li> </ul>	May 24, 2010 & June 17, 2010	August 31, 2011	August 31, 2012
NIAGARA'S	SOFT	<ul style="list-style-type: none"> <li>• Full Flavor Soft 100s</li> <li>• Soft 100s (Dark Blue)</li> <li>• Soft 100s (Blue)</li> <li>• Menthol Soft 100s</li> <li>• Menthol Soft 100s (Green)</li> </ul>	October 16, 2002; October 7, 2003; November 29, 2003; May 24, 2010; & June 17, 2010	August 31, 2011	August 31, 2012
NIAGARA'S	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s</li> <li>• Menthol Box 100s (Green)</li> </ul>	August 11, 2009; September 15, 2009; May 24, 2010; & June 17, 2010	August 31, 2011	August 31, 2012
GREAT COUNTRY	BOX	<ul style="list-style-type: none"> <li>• Full Flavor Box Kings</li> <li>• Box Kings (Dark Blue)</li> <li>• Box Kings (Blue)</li> <li>• Menthol Box Kings (Dark Green)</li> <li>• Menthol Box Kings (Green)</li> <li>• Full Flavor Box 100s</li> <li>• Box 100s (Dark Blue)</li> <li>• Box 100s (Blue)</li> <li>• Menthol Box 100s (Dark Green)</li> <li>• Menthol Box 100s (Green)</li> </ul>	February 9, 2011 & February 28, 2011 (outer carton for Full Flavor Box 100s)	August 31, 2011	August 31, 2012
COOL HARBOR	BOX	<ul style="list-style-type: none"> <li>• Menthol Box Kings (Dark Green)</li> <li>• Menthol Box Kings (Green)</li> <li>• Menthol Box 100s (Dark Green)</li> <li>• Menthol Box 100s (Green)</li> </ul>	February 9, 2011	August 31, 2011	August 31, 2012

**SCHEDULE B**

BRAND STYLE	NUMBER OF CIGARETTES SOLD IN FY 2011
BISHOP Full Flavor Soft 100s	
BISHOP Soft 100s (Dark Blue)	
BISHOP Soft 100s (Blue)	
BISHOP Menthol Soft 100s	
BISHOP Menthol Soft 100s (Green)	
BISHOP Full Flavor Soft Kings	
BISHOP Soft Kings (Dark Blue)	
BISHOP Soft Kings (Blue)	
BISHOP Menthol Soft Kings	
BISHOP Menthol Soft Kings (Green)	
BISHOP Full Flavor Box 100s	
BISHOP Box 100s (Dark Blue)	
BISHOP Box 100s (Blue)	
BISHOP Menthol Box 100s	
BISHOP Menthol Box 100s (Green)	
BISHOP Full Flavor Box Kings	
BISHOP Box Kings (Dark Blue)	
BISHOP Box Kings (Blue)	
BISHOP Menthol Box Kings	
BISHOP Menthol Box Kings (Green)	
NIAGARA'S Full Flavor Soft 100s	
NIAGARA'S Soft 100s (Dark Blue)	
NIAGARA'S Soft 100s (Blue)	
NIAGARA'S Menthol Soft 100s	
NIAGARA'S Menthol Soft 100s (Green)	
NIAGARA'S Full Flavor Soft Kings	
NIAGARA'S Soft Kings (Dark Blue)	
NIAGARA'S Soft Kings (Blue)	
NIAGARA'S Menthol Soft Kings	
NIAGARA'S Menthol Soft Kings (Green)	
NIAGARA'S Full Flavor Box 100s	
NIAGARA'S Box 100s (Dark Blue)	
NIAGARA'S Box 100s (Blue)	
NIAGARA'S Menthol Box 100s	
NIAGARA'S Menthol Box 100s (Green)	
NIAGARA'S Full Flavor Box Kings	
NIAGARA'S Box Kings (Dark Blue)	
NIAGARA'S Box Kings (Blue)	
NIAGARA'S Menthol Box Kings	
NIAGARA'S Menthol Box Kings (Green)	
NORTH COUNTRY Full Flavor Soft Kings	
GREAT COUNTRY Soft Kings Full Flavor	
GREAT COUNTRY Soft Kings Dark Blue	
GREAT COUNTRY Soft Kings Blue	
GREAT COUNTRY Soft Kings Menthol	
GREAT COUNTRY Soft Kings Green	
GREAT COUNTRY Soft 100s Full Flavor	
GREAT COUNTRY Soft 100s Dark Blue	
GREAT COUNTRY Soft 100s Blue	
GREAT COUNTRY Soft 100s Menthol	
GREAT COUNTRY Soft 100s Green	
GREAT COUNTRY Box Kings Full Flavor	
GREAT COUNTRY Box Kings Dark Blue	
GREAT COUNTRY Box Kings Blue	
GREAT COUNTRY Box Kings Menthol	
GREAT COUNTRY Box Kings Green	
GREAT COUNTRY 100s Box Full Flavor	
GREAT COUNTRY 100s Box Dark Blue	
GREAT COUNTRY 100s Box Blue	
GREAT COUNTRY 100s Box Menthol	
GREAT COUNTRY 100s Box Green	
COOL HARBOR Soft Kings Menthol	
COOL HARBOR Soft Kings Green	
COOL HARBOR Soft 100s Menthol	
COOL HARBOR Soft 100s Green	
COOL HARBOR King Box Menthol	
COOL HARBOR King Box Green	
COOL HARBOR 100s Box Menthol	
COOL HARBOR 100s Box Green	
<b>TOTAL STICKS FY2011</b>	

## SCHEDULE C

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



Division of  
Advertising Practices

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

August 30, 2012

Meghan Murphy Beakman  
D Cube LLC d/b/a Sovereign Tobacco Co.  
55 Territory Road  
Oneida, NY 13421

Dear Ms. Beakman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by D Cube LLC d/b/a Sovereign Tobacco Co. (“Sovereign”) on August 29, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bishop, Niagara’s, Great Country, and Cool Harbor brands of cigarettes.

Sovereign’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates 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>
Bishop	May 24, 2010 June 17, 2010
Niagara’s	October 16, 2002 October 7, 2003 November 29, 2003 August 11, 2009 September 15, 2009 May 24, 2010 June 17, 2010

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<sup>1</sup> Sovereign stated in its August 29, 2012 letter that the four health warnings will appear exactly as shown on the packs and/or cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Great Country	February 9, 2011 February 28, 2011
Cool Harbor	February 9, 2011

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

- Ten varieties of the Bishop brand: Full Flavor Kings Box, Dark Blue Kings Box, Menthol Kings Box (in dark green packaging), Green Menthol Kings Box (in light green packaging), Blue Kings Box, Dark Blue 100's Box, Full Flavor 100's Box, Blue 100's Box, Green Menthol 100's Box (in light green packaging), and Menthol 100's Box (in dark green packaging);
- Fifteen varieties of the Niagara's brand: Full Flavor Soft 100's, Menthol Flavor Soft 100's, Dark Blue Soft 100's (in purple packaging), Blue Soft 100's, Green Menthol Soft 100's, Full Flavor Kings Box, Menthol Flavor Kings Box, Full Flavor 100's Box, Menthol Flavor 100's Box, Dark Blue Kings Box (in purple packaging), Green Menthol Kings Box, Blue Kings Box, Dark Blue 100's Box (in purple packaging), Blue 100's Box, and Green Menthol 100's Box;
- Ten varieties of the Great Country brand: Full Flavor Box Kings, Box Kings (Dark Blue), Box Kings (Blue), Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Full Flavor Box 100's, Box 100's (Dark Blue), Box 100's (Blue), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green); and
- Four varieties of the Cool Harbor brand: Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green).

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

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<sup>2</sup> As set forth in its August 29, 2012 letter, Sovereign is using colors in the names of a number of its cigarette varieties (*e.g.*, "Soft Kings (Blue)"), and, except as noted below, the color used for a variety's packaging does conform to the color used in its name. We note, however, that color names are not printed on the packaging (*e.g.*, the word "Blue" does not appear on the packaging of the "Soft Kings (Blue)" variety. We also note that for many of the menthol varieties, the word "menthol" is not printed on the packaging.

<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.

Meghan Murphy Beakman  
August 30, 2012  
Page 3

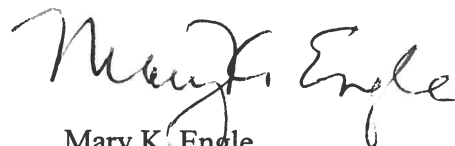
Please note that this letter only approves Sovereign's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. 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 August 29, 2013, 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

# ALTERNATIVE BRANDS, INC.

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August 28, 2012

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

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

Dear Ms. Engle:

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

I, Peter L. Tourtellot, Trustee of Alternative Brands, Inc., confirm and warrant that I will cause Alternative Brands, Inc. to conduct its operations so that there is an equal display of the four warnings on the packs and cartons of each brand style of Bueno® cigarettes throughout the year. Alternative Brands, Inc. obtains from its printer equal numbers of all four warnings on the packs and cartons of each brand style at the time of shipment of each package order. Alternative Brands, Inc. will maintain records demonstrating compliance with this plan.

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

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

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

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



# ALTERNATIVE BRANDS, INC.

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

Alternative Brands, Inc.'s sales for Bueno® and Rampage™ brands for the fiscal year of 2010 and 2011 are as follows:

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

Alternative Brands, Inc.'s projected sales for Bueno® for fiscal year 2012 are as follows:

- [REDACTED] sticks of Bueno® brand cigarettes.

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

During 2012, Alternative Brands, Inc. plans to manufacture one brand styles of Bueno®:  
(1) Full Flavor Kings – 84mm – Hard Pack Cigarettes.

The actual packs and cartons for each brand style of the Bueno® brand with each of the four warnings were submitted with my letter date March 24, 2012. The warnings will appear exactly as shown on these samples.

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

Please let me know if you need any additional information.

Very truly yours,



Peter L. Tourtellot  
Trustee

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

Selected packaging samples from those  
submitted with the plan.

# BUENO

BUENO TASTES GOOD

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

Alternative Brands, Inc  
Mocksville, NC 27028  
TP-NC-631  
Please Don't Litter

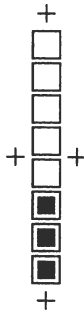


MADE IN USA

# BUENO

FULL FLAVOR

MADE IN USA



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

# BUENO

BUENO TASTES GOOD

FULL FLAVOR



# BUENO

FULL FLAVOR



FULL FLAVOR

20 Class  
A  
Cigarettes

Underage  
Sale  
Prohibited

BUENO



Alternative Brands, Inc  
Mocksville, NC 27028  
TP-NC-631



BUENO

BUENO TASTES GOOD

FULL FLAVOR



BUENO

MADE IN USA

BUENO TASTES GOOD

FULL FLAVOR

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

Underage Sale Prohibited

MADE IN USA

BUENO TASTES GOOD

BUENO





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

Division of  
Advertising Practices

September 10, 2012

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

Dear Mr. Tourtellot:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Alternative Brands, Inc. on August 28, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for one variety of the Bueno brand of cigarettes.

Alternative Brands’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated March 24, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, Alternative Brands’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the Full Flavor King size hard pack variety of the Bueno brand.

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

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

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

Peter L. Tourtellot  
September 10, 2012  
Page 2

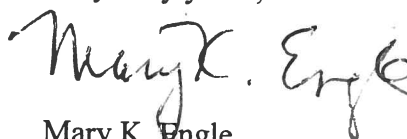
Please note that this letter only approves Alternative Brands' cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Alternative Brands' packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Alternative Brands' cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Alternative Brands' packaging 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 September 9, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

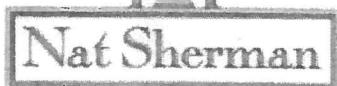
If you have any questions regarding this approval, please contact Arien Parham at (202) 326-2696.

Very truly yours,



Mary K. Engle  
Associate Director

SINCE 1930



FIFTH AVENUE • NEW YORK

September 13, 2012

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

Re: Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400")

Dear Ms. Engle,

Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") had its health warning display plan for packaging previously approved on July 20, 2009 with amendments approved January 22, 2010 until July 19, 2010, December 17, 2010 until December 16, 2011 and November 9, 2011 until September 21, 2012. With this letter, we seek approval for our plan to simultaneously display the four health warnings on previously approved packaging for all our approved current brand styles, in order to comply with FCLAA. When printing our packaging materials, each version of the four warnings is equally produced then equally used in the production process (25% version A, 25% version B, etc.) to ensure that we achieve simultaneous display of the four warnings on all our brands and brand styles. Through the date of this application, the Surgeon General health warnings for the packaging for the brand styles of Sherman's 1400 have been equalized in accordance with our plan.

The actual hard pack and carton packaging, with each of the four health warnings, for our current brands and brand styles that was previously approved, remains the same and is in compliance with Section 911 of The Family Smoking Prevention and Tobacco Control Act of 2009, which became effective June 22, 2010. The hard packs, cartons and health warnings on the following brands and brand styles will appear exactly as on the samples enclosed with our letter of November 4, 2009 and our corrected sample of December 7, 2009.

**I. Current brand and brand styles:**

Black & Gold (black paper/gold filter/queen)  
Cigarettellos (brown paper/non filter/queen)  
Classic (white paper/cork filter/king)  
Classic Blue (white paper/cork filter/king)  
Classic Menthol (white paper/cork filter/king)  
Fantasia (multi color paper/gold filter/queen)  
Havana Ovals (brown paper/non filter/queen)  
Hint Menthol (brown paper/brown filter/queen)  
MCD (brown paper/brown filter/queen)  
MCD Gold (brown paper/brown filter/queen)  
MCD Menthol (brown paper/brown filter/queen)  
MCD Silver (brown paper/brown filter/queen)  
Naturals Blue (white paper/white filter/queen)  
Naturals Blue King (white paper/white filter/king)  
Naturals King (white paper/cork filter/king)  
Naturals Menthol (white paper/white filter/queen)

**RETAIL TOWNHOUSE**

12 East 42nd Street • New York, NY 10017  
tel. 212-764-5000 fax 212-764-5134

**CORPORATE**

2200 Fletcher Avenue • Fort Lee, NJ 07024  
tel. 201-735-9000 fax 201-735-9099

**MANUFACTURING**

7615 Boeing Drive • Greensboro, NC 27409  
tel. 336-665-6060 fax 336-605-1795

WWW.NATSHERMAN.COM

**I. Current brand and brand styles (cont):**

Naturals Menthol King (white paper/cork filter/king)  
Naturals Originals (brown paper/cork filter/queen)  
Naturals Yellow (brown paper/brown filter/queen)  
Naturals Yellow King (white paper/white filter/king)  
New York Cut Blue (white paper/white filter/king)  
New York Cut Menthol (white paper/white filter/king)  
New York Cut Original (white paper/cork filter/king)

Sherman's 1400 total domestic shipments for the twelve-month period ending April 30, 2012 were [REDACTED] sticks and we anticipate next year's volume to be the same. In compliance with the Cigarette Act, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its fiscal year 2012, and expects to be below that fraction of sales in the present year. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings on its packaging for the each of the foregoing brand styles pursuant to Section 1333(c)(2).

Sherman's 1400 will continue to display the four health warnings an equal number of times on the hard packs and cartons of each of the foregoing brand styles for the time period beginning on the date of the approval of this plan through the end of the twelve-month approval period; or at such time the authority for the advertising approval process is assumed by the FDA under the Family Smoking Prevention and Tobacco Control Act. Sherman's 1400 will maintain records that show compliance with its packaging and advertising plan. Sherman's 1400 had its advertising plan originally approved November 24, 2003 and the expanded plan approved on July 20, 2009.

If you require any further information, please do not hesitate to contact me at 201-735-9004.

Sincerely,



William M. Sherman  
Executive Vice President

WMS/MWM/smw

cc: Stanley Friedman, Esq.





Division of  
Advertising Practices

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

September 14, 2012

William M. Sherman  
Executive Vice President  
Sherman's 1400 Broadway NYC, Ltd.  
2200 Fletcher Avenue  
Fort Lee, NJ 07024

Dear Mr. Sherman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Sherman's 1400 Broadway NYC, Ltd. ("Sherman's 1400") on September 13, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Naturals, and New York Cut brands of cigarettes.

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated November 4 and December 7, 2009 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, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the following box varieties is hereby approved:

- the queen size variety of the Black & Gold brand;
- the Non-Filter queen size variety of the Cigarettellos brand;

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<sup>1</sup> Sherman's 1400 stated in its September 13, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- three “International style” king size varieties of the Classic brand (Regular, Blue, and Menthol);
- the queen size variety of the Fantasia brand;
- the Non-Filter queen size variety of the Havana Ovals brand;
- the Menthol queen size variety of the Hint brand;
- four queen size varieties of the MCD brand (Regular, Gold, Menthol, and Silver);
- four king size varieties of the Naturals brand (Blue, Regular, Menthol and Yellow);
- four queen size varieties of the Naturals brand (Blue, Menthol, Originals, and Yellow); and,
- three king size varieties of the New York Cut brand (Blue, Menthol and Original).

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 Sherman’s 1400’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 Sherman’s 1400’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 Sherman’s 1400’s cigarettes, including, but not limited to, “natural.” Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman’s 1400’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).

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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.

William M. Sherman  
September 14, 2012  
Page 3

**This approval is effective on the date of this letter and runs through September 13, 2013, 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,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mary K. Engle  
Associate Director

Albany  
Atlanta  
Brussels  
Denver  
Los Angeles

McKenna Long  
& Aldridge<sup>LLP</sup>  
Attorneys at Law

1900 K Street, NW • Washington, DC 20006-1108  
Tel: 202.496.7500 • Fax: 202.496.7756  
www.mckennalong.com

New York  
Philadelphia  
San Diego  
San Francisco  
Washington, D.C.

C. RANDALL NUCKOLLS  
(202) 496-7176

EMAIL ADDRESS  
rnuckolls@mckennalong.com

August 15, 2012

Ms. Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, N.W., 3rd Floor  
Washington, D.C. 20001

**Re: Santa Fe Natural Tobacco Company Packaging Plan for 2012**

Dear Ms. Engle:

I serve as the Washington Counsel for Santa Fe Natural Tobacco Company, Inc. ("SFNTC"), located at 1 Plaza La Prensa, Santa Fe, NM 85707. The President of SFNTC is Michael A. Little. His telephone number is (919-692-4257). SFNTC is the manufacturer of Natural American Spirit ("NAS") cigarettes. Pursuant to 15 U.S.C. § 1333(c)2 of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Act"), please accept this letter as SFNTC's request for approval of its packaging plan beyond September 21, 2012 including Federal Trade Commission ("FTC") approval of simultaneous display (i.e. the alternative to quarterly rotation) of the four Surgeon General health warnings for eleven varieties of the Natural American Spirit ("NAS") brand.

NAS Brand Styles Currently Manufactured by SFNTC

NAS Full Bodied Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Balanced Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Smooth Mellow Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Menthol Full-Bodied Taste Cigarettes (King Size/Hard Pack/ Carton)  
NAS Menthol Mellow Taste Cigarettes (King Size/Hard Pack/ Carton)  
NAS Non-Filtered Cigarettes (King Size/Hard Pack/Carton)  
NAS Perique Blend Rich Robust Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Perique Blend Rich Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Made with Organic Tobacco Full-Bodied Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS Made with Organic Tobacco Mellow Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS 100% U.S. Grown Tobacco Full-Bodied Taste Cigarettes (King Size/Hard Pack/Carton)  
NAS 100% U.S. Grown Tobacco Mellow Taste Cigarettes (King Size/Hard Pack/Carton)

All NAS brand styles set forth above are filtered cigarettes unless indicated otherwise. There has been no recent change in the packaging of the above listed brand styles. The health warnings will appear exactly as shown on the latest version of the packaging of each NAS brand style submitted to the FTC.

Ms. Mary K. Engle  
August 15, 2012  
Page 2

SFNTC operates using the calendar year as its fiscal year. Attached is a chart setting forth sales volume for each SFNTC brand style for calendar year 2011 and for the first six months of calendar year 2012.

As required by the Cigarette Act, SFNTC is currently rotating quarterly the four health warnings on NAS Mellow Taste Cigarettes (King Size/Hard Pack/Carton) and NAS Full Bodied-Taste Cigarettes (King Size/Hard Pack/Carton). SFNTC is following a B, C, D, A rotation sequence, for these two brand styles, the same rotation sequence it uses for its yearly advertising rotation plan. There will be no change in the SFNTC advertising rotation plan in calendar year 2012. Pursuant to this established sequence, the health warnings will continue to rotate as follows, based on the date of packaging for these two brand styles:

- 1st Quarter, 2012 - B - Quitting Smoking Now Greatly Reduces Serious Risks to Your Health (January, February, March)
- 2nd Quarter, 2012- C - Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight. (April, May, June)
- 3rd Quarter, 2012 - D - Cigarette Smoke Contains Carbon Monoxide (July, August, September)
- 4th Quarter, 2012 - A - Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy. (October, November, December)

The other NAS brand styles were produced in a quantity in 2011 well below one-fourth of one percent of all cigarettes sold in the United States, and will remain below this threshold in 2012. Currently, as approved by the FTC, the four health warnings on the packs and cartons of these eleven NAS brand styles are displayed an equal number of times each year. SFNTC requests an extension of this simultaneous display of health warnings (alternative to quarterly rotation) beyond September 21, 2012 for these eleven brand styles.

SFNTC will maintain records to demonstrate compliance with its rotation plans for both advertising and packaging and its plan for simultaneous display for certain packaging. If you have any questions regarding this SFNTC request please contact me at (202) 496-7176.

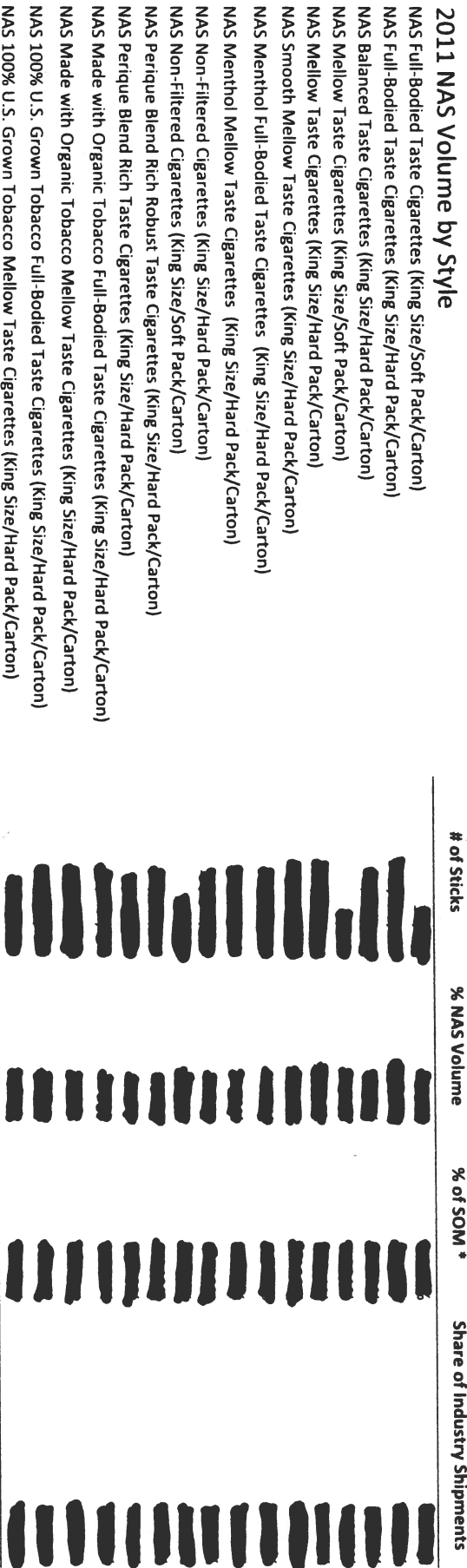
Sincerely,



C. Randall Nuckolls

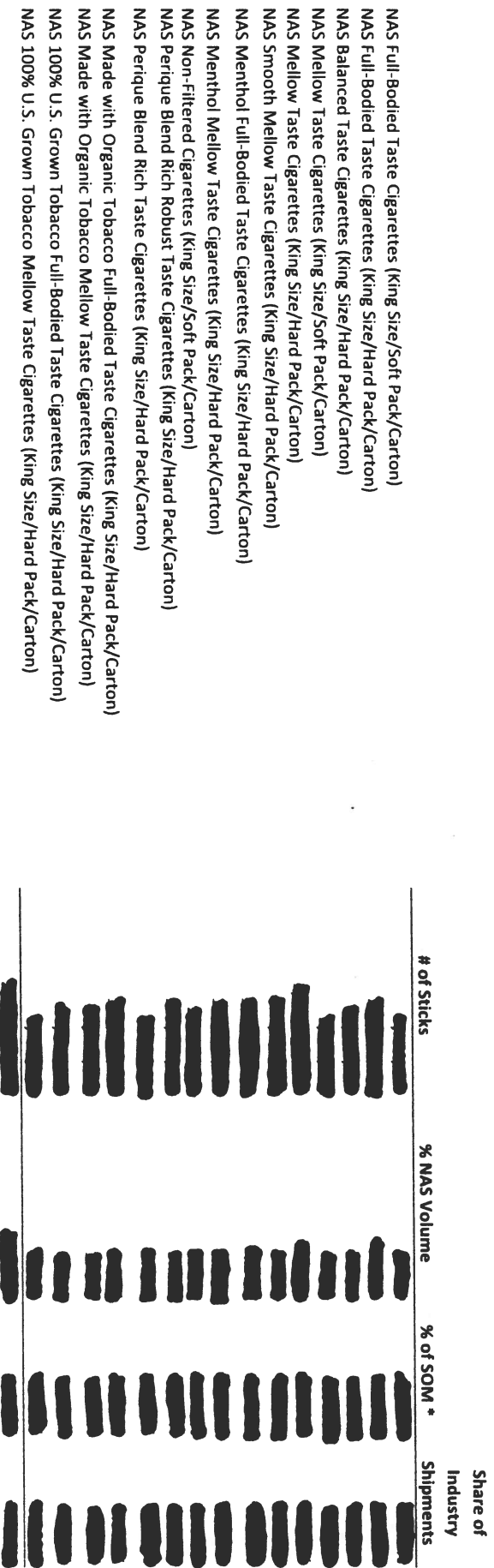
## 2012 NAS Volume by Brand Style

(Through June 2012)



\* Marlin Share for YTD June 2012

## 2011 NAS Volume by Brand Style



\* Marlin Share for FY 2011

Industry Cigarette Volume - FY 2011



Division of  
Advertising Practices

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

September 24, 2012

C. Randall Nuckolls  
McKenna Long & Aldridge, LLP  
1900 K St., N.W.  
Washington, D.C. 20006-1108

Dear Mr. Nuckolls:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Santa Fe Natural Tobacco Company, Inc. (“Santa Fe”) on August 15, 2012, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Natural American Spirit (“NAS”) brand of cigarettes.

Santa Fe’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging of the NAS brand, with the exception of two varieties (Mellow Taste king size hard pack and Full-Bodied Taste king size hard pack),<sup>1</sup> and the warnings on the sample packs and cartons submitted with your letters dated June 2 and July 9, 2010, September 14, 2011, and January 30, 2012 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>2</sup> Accordingly, Santa Fe’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven king size hard pack varieties of the NAS brand: Balanced Taste; Smooth Mellow Taste; Menthol Full-Bodied Taste; Menthol Mellow Taste; Non-Filtered; Perique Blend Rich Robust Taste; Perique Blend Rich Taste; “Made With Organic Tobacco Full-Bodied Taste”; “Made With Organic Tobacco Mellow Taste”; “100% U.S. Grown Tobacco Full-Bodied Taste”; and “100% U.S. Grown Tobacco Mellow Taste.”

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<sup>1</sup> By letters dated August 24, 2010 and October 20, 2011, respectively, the Mellow Taste king size hard pack and Full-Bodied Taste king size hard pack varieties were approved for quarterly rotation, which does not need to be re-approved annually.

<sup>2</sup> Santa Fe stated in its August 15, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.



This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

Approval of Santa Fe's 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 Santa Fe'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 Santa Fe'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 Santa Fe's cigarettes, including, but not limited to, "organic," "natural," and "additive-free." Nor does this letter purport to interpret or express any opinion about the adequacy of Santa Fe'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 September 23, 2013, 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>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.

# SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496  
155 and 175 Rochester Street  
Salamanca, NY 14779

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

September 17, 2012

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our annual compliance letter. Our plan for the simultaneous display of the Surgeon General's warnings on packaging and the quarterly rotation of the Surgeon General's warnings on advertising for Sands cigarettes was originally submitted to the Federal Trade Commission on November 3, 2011, and was approved on November 8, 2011.

The Sands cigarette brand will now be manufactured in the following varieties:

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

Red King Size Soft Pack  
Gold King Size Soft Pack  
Silver King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Blue King Size Soft Pack

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

Red King Size Box  
Gold King Size Box  
Silver King Size Box  
Menthol King Size Box  
Menthol Blue King Size Box

These cigarettes are packaged in 200 count cartons ("Outer Carton"). Each Outer Carton contains ten (10) packs of twenty (20) cigarettes each ("pack"). The warnings will appear exactly as shown in samples provided to your office with our letter dated March 21, 2011, except for the packaging that was revised. Those warnings will appear exactly as shown on the samples submitted on September 29, 2011.

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: SANDS CIGARETTES  
SEPTEMBER 17, 2012  
PAGE 2

Seneca Manufacturing Company low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for each brand style for the 2011 fiscal year (calendar year ending December 31, 2011) are set out in Exhibit A along with anticipated 2012 sales. Seneca Manufacturing Company manufactures one other brand called Heron and there is a separate plan for that brand approved on July 13, 2012.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, the four (4) cigarette health warnings will appear on the packs and cartons of each Sands cigarette brand style an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Sands cigarette brand styles as equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the health warnings. Seneca Manufacturing Company will maintain records of compliance with approved plan. We will continue to advertise according to our plan approved by FTC on November 8, 2011.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Gary C. Sanden

GCS/jlw  
Attachment

EXHIBIT A

Page 1

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

## EXHIBIT A

Page 2

Heron-Brand Styles	Estimated Sales (2012)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Gold 100's SP	
Crimson 100's SP	
No. 33 Black Red 100's SP	
No. 33 Black Gold 100's SP	
No. 33 Black Menthol 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Gold 100's Box	
Crimson 100's Box	
Natural 100's Box	
Natural Smooth 100's Box	
Natural Menthol 100's Box	
No. 33 Black Red 100's Box	
No. 33 Black Gold 100's Box	
No. 33 Black Menthol 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Gold King Box	
Crimson King Box	
Natural King Box	
Natural Smooth King Box	
Natural Menthol King Box	
Non-Filter King Box	
No. 33 Black Red King Box	
No. 33 Black Gold King Box	
No. 33 Black Menthol King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Gold King SP	
Non-Filter King SP	
Crimson King SP	
No. 33 Black Red King SP	
No. 33 Black Gold King SP	
No. 33 Black Menthol King SP	

EXHIBIT A

Page 3

Sands-Brand Styles	Previous Year (2011) Sales/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Blue 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Blue 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Blue King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Blue King SP	

EXHIBIT A

Page 4

Sands-Brand Styles	Estimated Sales (2012)/Sticks
Red 100's SP	
Gold 100's SP	
Silver 100's SP	
Menthol 100's SP	
Menthol Blue 100's SP	
Red 100's Box	
Gold 100's Box	
Silver 100's Box	
Menthol 100's Box	
Menthol Blue 100's Box	
Red King Box	
Gold King Box	
Silver King Box	
Menthol King Box	
Menthol Blue King Box	
Red King SP	
Gold King SP	
Silver King SP	
Menthol King SP	
Menthol Blue King SP	



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

Division of  
Advertising Practices

September 24, 2012

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

Dear Mr. Sanden:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on September 17, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Sands brand of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons for the Sands brand submitted with your letters dated March 21, 2011 and September 29, 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, Seneca’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following twenty varieties of the Sands brand (each offered in both box and soft pack varieties): Red (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Blue (Kings and 100’s).

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

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<sup>1</sup> Seneca stated in its September 17, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although the warnings on the packs for the king size soft pack varieties submitted on March 21, 2011 did not meet the size requirements of the Cigarette Act, corrected samples were submitted on September 29, 2011.



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.

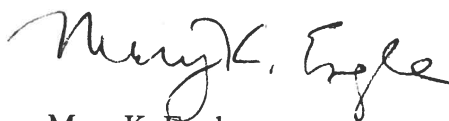
Please note that this letter only approves Seneca's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Seneca's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Seneca's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Seneca's packaging and advertising 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 September 23, 2013, 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.

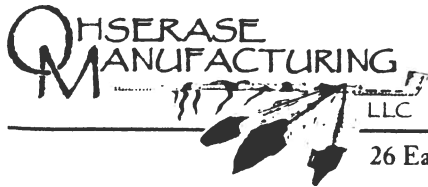
Very truly yours,



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.



26 Eagle Drive | PO Box 1221 | Akwesasne, New York 13655

518. 358. 9309

518. 358. 9321 | fax

September 20, 2012

Ms. Mary Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, D.C. 20580

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

Dear Ms. Engle:

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

Ohserase wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964 for two brands of cigarettes they wish to manufacture in the United States under the brand names "Signal" and "Da Rez."

The brand styles of Signal and Da Rez brand cigarettes Ohserase intends to manufacture are listed on Exhibit "A" and "B." Enclosed with the submissions of Eli Tarbell on December 3, 2008 and of Justin Tarbell on June 18, 2010, July 16, 2010 and January 27, 2012 were the actual production packs and cartons for the brand styles being submitted showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons Ohserase will be manufacturing for our Da Rez brand and our Signal brand. The warnings will appear exactly as shown on these samples.

Ohserase manufactured approximately [REDACTED] cigarettes in fiscal year 2011 (all were Signal and Da Rez brands). To date, in fiscal year 2012, Ohserase has manufactured [REDACTED] cigarettes (all were Signal and Da Rez brands). Ohserase anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Signal and Da Rez) in fiscal year 2012.

No one brand style of cigarettes sold by Ohserase has for the past fiscal year constituted more than ¼ of 1% of all the cigarettes sold in the United States in such year, and no one brand style will constitute more than ¼ of 1% of all the cigarettes sold in the United States in the next fiscal

year. In addition, more than one-half of the cigarettes manufactured for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(i).

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

The individual packs of Signal and Da Rez cigarettes to be manufactured by Ohserase will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. Ohserase will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

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

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

While Ohserase does not currently have an advertising plan in place and approved by the Federal Trade Commission, there is a plan submitted. Until proper approval is obtained, Ohserase will not advertise for either cigarette brand.

We believe this plan complies in all respect with the Federal Cigarette Labeling and Advertising Act, as amended, including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.



518. 358. 9309

26 Eagle Drive | PO Box 1221 | Akwesasne, New York 13655

518. 358. 9321 | fax

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

Sincerely,

Dale White  
General Counsel  
Ohserase Manufacturing, LLC

**Exhibit A**

**Ohserase Manufacturing, LLC  
Signal Brand Styles**

**Full Flavor King Box  
Full Flavor 100 Box  
Full Flavor King Soft  
Full Flavor 100 Soft  
Smooth King Box  
Smooth 100 Box  
Smooth King Soft  
Smooth 100 Soft  
Ultra Smooth King Box  
Ultra Smooth 100 Box  
Ultra Smooth King Soft  
Ultra Smooth 100 Soft  
Menthol King Box  
Menthol 100 Box  
Menthol King Soft  
Menthol 100 Soft  
Menthol Smooth King Box  
Menthol Smooth 100 Box  
Menthol Smooth King Soft  
Menthol Smooth 100 Soft  
Bold King Box  
Bold 100 Box  
Max King Box  
Max 100 Box**

**Exhibit B**

Ohserase Manufacturing, LLC

Da Rez Brand Styles

Full Flavor King Box

Full Flavor King Soft



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

Division of  
Advertising Practices

September 24, 2012

Dale White  
General Counsel  
Ohserase Manufacturing, LLC  
26 Eagle Drive  
P.O. Box 1221  
Akwesasne, NY 13655

Dear Mr. White:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Ohserase Manufacturing, LLC (“Ohserase”) on September 20, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “da Rez” and Signal brands of cigarettes.

Ohserase’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Ohserase’s letters on the following dates 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>
da Rez	December 3, 2008
Signal	December 3, 2008 June 18, 2010 July 16, 2010 January 27, 2012

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<sup>1</sup> Ohserase stated in its September 20, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs for the Signal brand submitted on June 18, 2010 contained capitalization errors, corrected samples were submitted on July 16, 2010.

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

- Two varieties of the "da Rez" brand: Full Flavor Kings Soft Pack and Full Flavor Kings Box; and
- Twenty-four varieties of the "Signal" brand: Full Flavor Kings (Soft Pack and Box), Smooth Kings (Soft Pack and Box), Ultra Smooth Kings (Soft Pack and Box), Menthol Kings (Soft Pack and Box), Menthol Smooth Kings (Soft Pack and Box), Full Flavor 100's (Soft Pack and Box), Smooth 100's (Soft Pack and Box), Ultra Smooth 100's (Soft Pack and Box), Menthol 100's (Soft Pack and Box), Menthol Smooth 100's (Soft Pack and Box), Bold Kings Box, Bold 100's Box, Max Kings Box, and Max 100's Box.

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

Approval of Ohserase'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.

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

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

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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.



Dale White  
September 24, 2012  
Page 3

[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 September 23, 2013, 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



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

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September 24, 2012

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

RE: Cigarette Health Warning Plan

Dear Madam:

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

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

#### I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each brand style that we manufacture for the one-year period beginning on the date of approval of this plan. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style. The warnings will appear exactly as shown on the pack and carton samples submitted with our letters dated June 21, 2010, August 3, 2010, and September 29, 2010 and for the VB Made in the USA Non-Filter Soft Pack and Baron American Blend Non-Filter Soft Pack exactly as on the samples sent with our letter dated March 30, 2006.

The sales volumes in cigarettes for each brand for fiscal year 2011 were as follows:

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



Anticipated sales volumes in cigarettes for each brand for fiscal year 2012 are as follows:

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



II. Advertisements (other than outdoor billboard advertisements)

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Terry L. Ammerman".

Terry L. Ammerman  
President

Farmers Tobacco Co. of Cynthiana, Inc.

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

Kentucky's Best

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

VB Made in the USA

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

Baron American Blend

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



Division of  
Advertising Practices

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

September 26, 2012

Terry L. Ammerman  
President  
Farmers Tobacco Co. of Cynthiana, Inc.  
636 US Highway 27 North  
P.O. Box 98  
Cynthiana, KY 41031

Dear Mr. Ammerman:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Farmers Tobacco Co. of Cynthiana, Inc. (“Farmers Tobacco”) on September 24, 2012, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Kentucky’s Best,” “VB Made in the USA,” and “Baron American Blend” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letters dated March 30, 2006, and June 21, August 3, and September 29, 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, Farmers Tobacco’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the Kentucky’s Best brand: Red Kings (soft pack and hard pack), Gold Kings (soft pack and hard pack), Silver Kings hard pack, Menthol Kings hard pack,

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<sup>1</sup> Farmer’s Tobacco stated in its September 24, 2012 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs and cartons submitted on June 21, 2010 were not sufficiently clear and conspicuous, corrected samples were submitted on August 3 and September 29, 2010.

Green Kings hard pack, Non-Filter Kings soft pack, Red 100's (soft pack and hard pack), Gold 100's (soft pack and hard pack), Silver 100's (soft pack and hard pack), Menthol 100's hard pack, and Green 100's hard pack;

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

This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons the Commission has most recently approved.

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

Please note that this letter only approves Farmers Tobacco's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Farmers Tobacco'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 Farmers Tobacco's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Farmers Tobacco's packaging and advertising under the 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 September 25, 2013, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

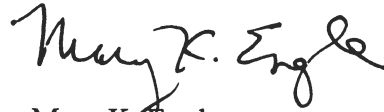
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<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Terry L. Ammerman  
September 26, 2012  
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If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle  
Associate Director