



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: December 22, 2023

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. January 20, 2022 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Bonnie McGregor.
2. January 26, 2022 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
3. January 26, 2022 letter from Terri Albright, King Maker Marketing, Inc. to Division of Advertising Practices.
4. January 27, 2022 letter from Serena Viswanathan to Terri Albright, King Maker Marketing, Inc.
5. January 26, 2022 letter from Terri Albright, Premier Manufacturing, Inc. to Serena Viswanathan.
6. January 27, 2022 letter from Serena Viswanathan to Terri Albright, Premier Manufacturing, Inc.
7. February 8, 2022 letter from Paige S. Fitzgerald on behalf of Native Trading Associates, LLC to Serena Viswanathan..
8. February 10, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Native Trading Associates, LLC.

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9. February 7, 2022 letter from Karen E. Delaney, NASCO Products, LLC to Serena Viswanathan.
10. February 11, 2022 letter from Serena Viswanathan to Karen E. Delaney, NASCO Products, LLC.
11. February 4, 2022 letter from Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC, to Serena Viswanathan.
12. February 15, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC.
13. February 4, 2022 letter from Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc. to Serena Viswanathan.
14. February 15, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc.
15. February 14, 2022 letter from Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC, to Serena Viswanathan.
16. February 16, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC.
17. February 3, 2022 letter from Alyssa Rose, Azuma Corporation to Advertising Practices.
18. February 17, 2022 letter from Serena Viswanathan to Alyssa Rose, Azuma Corporation.
19. February 10, 2022 letter from Kanim James, Lone Warrior Holdings, Inc. to Serena Viswanathan.
20. February 17, 2022 letter from Serena Viswanathan to Kanim James, Lone Warrior Holdings, Inc.
21. March 4, 2022 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Serena Viswanathan.
22. March 4, 2022 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Serena Viswanathan.
23. March 10, 2022 letter from Serena Viswanathan to Geraldine Bowen Barker, Commonwealth Brands, Inc.

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24. March 1, 2022 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Serena Viswanathan.
25. March 10, 2022 letter from Serena Viswanathan to Jennifer Misegan, KBIC Tobacco Company, LLC.
26. March 9, 2022 letter from Tisha A. Thompson d/b/a Jacobs Tobacco Company to Serena Viswanathan.
27. March 9, 2022 letter from Tisha A. Thompson d/b/a Jacobs Tobacco Company to Serena Viswanathan.
28. March 17, 2022 letter from Serena Viswanathan to Tisha A. Thompson d/b/a Jacobs Tobacco Company.
29. March 8, 2022 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Serena Viswanathan.
30. March 18, 2022 letter from Serena Viswanathan to Barry M. Boren on behalf of Everything Tobacco, LLC.
31. March 16, 2022 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Serena Viswanathan.
32. March 18, 2022 letter from Serena Viswanathan to Eric B. Estes, Xcaliber International, Ltd., LLC.
33. March 29, 2022 letter from David A. Scott, Cheyenne International, LLC to Serena Viswanathan.
34. March 29, 2022 letter from Serena Viswanathan to David A. Scott, Cheyenne International, LLC.
35. March 24, 2022 letter from Travis G. Heron, Seneca Manufacturing Company to Serena Viswanathan.
36. March 30, 2022 letter from Serena Viswanathan to Travis G. Heron, Seneca Manufacturing Company.
37. March 30, 2022 letter from Victoria Spier Evans, Liggett Group LLC to Serena Viswanathan.
38. March 31, 2022 to letter from Serena Viswanathan to Victoria Spier Evans, Liggett Group LLC



1300 Pennsylvania Avenue NW
Suite 700
Washington, D.C. 20004
DIRECT DIAL 202.216.8317
PHONE 202.625.0600 FAX 202.338.6340
ckoenigs@ralaw.com

WWW.RALAW.COM

January 20, 2022

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

Bonnie McGregor
Investigator
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Room CC10528
Washington, DC 20580

**Re: Wind River Tobacco Company, LLC
American Bison and Nashville Consolidated Renewal**

Dear Ms. McGregor:

This letter is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), located at 4792 Potato House Court, Wilson, NC 27893, to renew the plans for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes and to consolidate the American Bison (100's brand styles) with the American Bison (King brand styles) and Nashville (Kings and 100's brand styles) under a single plan. The renewal and consolidation of the plans is collectively referred to hereafter as the "Consolidated Plan."

WRT's most recent plan for the simultaneous display of health warnings on the packaging of six (6) American Bison (King brand styles) and ten (10) Nashville (Kings and 100's brand styles) of cigarettes was approved on January 28, 2021, and its most recent plan for the simultaneous display of health warnings on the packaging of five (5) American Bison (100's brand styles) of cigarettes was approved on July 9, 2021. WRT wishes to renew and consolidate those plans under this Consolidated Plan.

I. Background

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the

United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

WRT intends to manufacture American Bison and Nashville brands of cigarettes. WRT intends to manufacture the American Bison (King brand styles) of cigarettes in the six (6) brand styles and the American Bison (100's brand styles) of cigarettes in the five (5) brand styles listed in Schedule A, attached hereto. WRT intends to manufacture the Nashville (Kings brand styles) of cigarettes in the five (5) brand styles and the Nashville (100's brand styles) of cigarettes in the five (5) brand styles listed in Schedule A. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes for the brand styles listed in Schedule A. This Consolidated Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

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

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

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

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

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

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

WRT's fiscal year for 2021 was the calendar year (January 1, 2021 to December 31, 2021). Please note that WRT also manufactures the Teton brand of cigarettes which is subject to a separate health warning display plan approved by the FTC. The Teton brand styles also are listed in Schedule A.

The sales volume for any one brand style of cigarettes manufactured or imported by WRT in fiscal and calendar year 2021, did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one-year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one-year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging of the American Bison and Nashville cigarettes. The warning labels will appear on the packs and cartons of each of the King(s) brand styles of the American Bison and Nashville brand cigarettes listed in Schedule A, exactly as they appeared on the packaging submitted to the FTC with WRT's letters dated January 23, 2018 and June 19, 2019. The warning labels will appear on the packs and cartons of each of the 100's brand styles of the American Bison 100's brand of cigarettes listed in Schedule A, exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated June 2, 2020. The warning labels will appear on the cartons of each of the Nashville 100's brand styles exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated January 23, 2018. The warning labels will appear on packs of the Nashville Red 100's, Gold 100's, Green (Menthol) 100's and Black (Menthol) 100's exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated February 11, 2019. The warning labels will appear on the packs of the Nashville Silver 100's exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated September 24, 2019.

WRT also intends to sell the American Bison and Nashville brand styles of cigarettes to distributors located in American territories and/or possessions ("US Possessions"). The packaging for products sold to these destinations must include a "tax-exempt" statement. The package designs for the American Bison and Nashville brand styles sold to entities in US Possessions also will contain the health warning label statements. Please note that the "tax-exempt" statement on both the packs and cartons of the American Bison and Nashville brand styles sold to entities in US Possessions will be located on the opposite panel from the health warning label statements and will not affect or interfere with the health warning label statements in any way.

III. Advertising

WRT currently has approved advertising plans in place for American Bison and Nashville brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for American Bison brand cigarettes that was approved on April 23, 2002; a plan for the display of health warnings on internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; a plan for the display of health warnings on internet advertising for Nashville brand cigarettes that was

approved on March 13, 2006; a plan for the display of health warnings on non-internet advertising for Nashville brand cigarettes that was approved on February 27, 2018; a modification of the previously approved schedule for quarterly rotation of the four warnings in advertising that was approved on February 27, 2018; and, a modification of the plans for the display of health warnings on non-internet advertising for American Bison and Nashville brand cigarettes that was approved on August 13, 2018. Any advertising of the American Bison and Nashville brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

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

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

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

Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Reviewed and agreed by:

WIND RIVER TOBACCO COMPANY, LLC


Kevin Freudenthal
Chief Executive Officer

SCHEDULE A

The following is a list of the American Bison, Nashville and Teton cigarette brand styles that WRT manufactures.

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



Division of
Advertising Practices

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

January 26, 2022

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed revised plan submitted on behalf of Wind River Tobacco Company, LLC (“WRTC”) on January 20, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC’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 January 23, 2018, February 11, 2019, June 19, 2019, September 24, 2019, and June 2, 2020 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Eleven box varieties of the American Bison brand:² Blue Kings (Blue packaging), Blue 100’s, Blue Kings (Red packaging), Gold Kings, Gold 100’s, Yellow Kings, Yellow 100’s, Green (Menthol) Kings, Green (Menthol) 100’s, Dark Green (Menthol) Kings, Dark Green (Menthol) 100’s; and

¹ WRTC stated in its January 20, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

² We note that the word “Menthol” is not printed on the packaging of the “Green (Menthol) Kings”, “Green (Menthol) 100’s”, “Dark Green (Menthol) Kings” or “Dark Green (Menthol) 100’s” box varieties of the American Bison brand.

Craig A. Koenigs, Esq.

January 26, 2022

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- Ten box varieties of the Nashville brand:³ Red Kings, Gold Kings, Silver Kings, Green (Menthol) Kings, Black (Menthol) Kings, Red 100's, Gold 100's, Silver 100's, Green (Menthol) 100's, and Black (Menthol) 100's.

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

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

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

³ As set forth in its January 20, 2022 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the "Green (Menthol) Kings," "Black (Menthol) Kings," "Green (Menthol) 100's," and "Black (Menthol) 100's" box varieties of the Nashville brand (*e.g.*, the word "Green" does not appear on the packaging of the "Nashville Green (Menthol) Kings box" variety); however, for those varieties, the color referenced in the name does conform to the color used in the packaging.

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

Craig A. Koenigs, Esq.

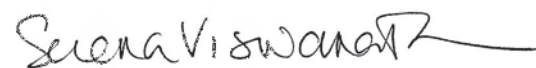
January 26, 2022

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This approval is effective on the date of this letter and runs through January 25, 2023 or until the new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director



January 26, 2022

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

Re: Request for annual plan renewal approval

Dear Ms. Viswanathan:

King Maker Marketing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on nine varieties of the Wildhorse Brand. We no longer manufacturer the Ace Brand and the Gold Crest Brand. Also we no longer manufacture the Non-Filter King variety. The warnings will appear exactly as shown on the Wildhorse sample packs and cartons submitted on 10/26/2017.

King Maker Marketing, Inc. will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the Wildhorse Brand for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. King Maker Marketing, Inc. will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles of our currently approved brand have been equalized to date. The Brand Styles listed below are the only Brand Styles we will manufacture.

-Nine varieties of the Wildhorse Brand: Red Box Kings, Red Box 100's, Gold Box Kings, Gold Box 100's, Menthol Green Box Kings, Menthol Green 100's Box, Silver Box Kings, Silver Box 100's and Menthol Silver 100's Box.

The four warnings that will be displayed 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.

King Maker Marketing will continue to comply with the advertising rotation plan previously approved.

King Maker sales for the last fiscal year (calendar year 2021) did not exceed [REDACTED] sticks for any one brand style that we manufacture. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan. King Maker Marketing does not import cigarettes.

We submit and confirm that the foregoing complies with the Act.

Please call me if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Terri Albright".

Terri Albright
Operations/Compliance Director
Direct Phone: 636.537.6823
Fax: 636.530.1362
Email: talbright@usleaf.com



Division of
Advertising Practices

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

January 27, 2022

Ms. Terri Albright
King Maker Marketing, Inc.
629 Cepi Drive
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. (“King Maker”) on January 26, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Wildhorse brand of cigarettes.

King Maker’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 October 26, 2017 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, King Maker’s plan for simultaneous display of the four health warnings on packaging for the following nine box varieties of the Wildhorse brand is hereby approved: Red (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol Green (Kings and 100’s), and Menthol Silver 100’s.

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

Please note that this letter only approves King Maker’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009

¹ King Maker stated in its January 26, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

Ms. Terri Albright

January 27, 2022

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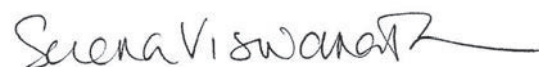
enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for King Maker’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of King Maker’s packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through January 26, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



PREMIER
MANUFACTURING, INC

A USTC COMPANY

January 26, 2022

**Serena Viswanathan Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Mail Drop CC-10528
Washington, DC 20580**

Re: Request for annual plan renewal approval for 2022

Dear Ms. Viswanathan:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on certain varieties of the 1st Class, the Ultra Buy, the Shield, the 1839, the Manitou and the Traffic Brands. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015, November 12, 2015, May 12, 2016 letters and January 16, 2019 letter.

Premier Manufacturing will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the 1st Class, Shield, Ultra Buy, Manitou, Traffic and 1839 brands for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style listed below by having all four warnings printed simultaneously at the time of both pack and carton print runs. Premier will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of each of our Brand styles have been equalized to date. This plan covers all varieties that Premier will manufacturer:

- **nine varieties of Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box and Silver 100's Box. We no longer manufacturer the Non Filter King Box.**

(1)

www.GoPremier.com

629 Cepi Drive • Chesterfield, Missouri 63005 • (800) 272-8656 • Fax (636) 537-1305 • info@gopremier.com



A USTC COMPANY

- **eight box varieties of the Manitou Brand: No5 Virginia King, No6 Virginia King, No7 Virginia King, No8 Virginia King, No9 Virginia King, No10 Virginia King, No11 Virginia King and No12 Virginia King.**
- **eight varieties of the 1st Class Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box and Silver 100's Box. We no longer manufacture the Non Filter King Box.**
- **eight varieties of Ultra Buy Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box and Silver 100's Box. We no longer manufacturer the Non Filter Kings Box.**
- **ten varieties of 1839 Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Silver King Box, Silver 100 Box, Menthol Green King Box, Menthol Green 100 Box, Menthol Blue King Box and Menthol Blue 100 Box. We no longer manufacturer the Non Filter King Box.**
- **eight varieties of Traffic Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Menthol Green King Box, Menthol Green 100 Box, Silver 100 Box and Menthol Silver 100 Box. We no longer manufacturer the Non-Filter King Box.**

The four warnings that will be displayed 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.**

Premier will continue to comply with the advertising rotation plan previously approved.

Our sales for this previous fiscal year (January – December 2021) did not exceed [REDACTED] sticks for any one brand style that we manufacture, we do not import. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

(2)

www.GoPremier.com

629 Cepi Drive • Chesterfield, Missouri 63005 • (800) 272-8656 • Fax (636) 537-1305 • info@gopremier.com



A USTC COMPANY

We submit and confirm that the foregoing complies with the Act.

Please call me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Terri Albright".

**Terri Albright
Operations/Compliance Manager
Direct Phone: 636-537-6823
Fax: 636-530-1362
Email: talbright@gopremier.com**

(3)

www.GoPremier.com

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Division of
Advertising Practices

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

January 27, 2022

Ms. Terri Albright
Premier Manufacturing, Inc.
629 Capi Drive
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. (“Premier”) on January 26, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Shield, Traffic, Ultra Buy, and Manitou brands of cigarettes.

Premier’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 11, 2015, November 12, 2015, May 12, 2016, and January 16, 2019 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Ten box varieties of the 1839 brand: Red (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol Green (Kings and 100’s), and Menthol Blue (Kings and 100’s);
- Eight box varieties of the 1st Class Brand: Red (Kings and 100's), Blue (Kings and 100's), Silver 100's, Menthol Green (Kings and 100's), and Menthol Silver 100's;

¹ Premier stated in its January 26, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Terri Albright

January 27, 2022

Page 2

- Nine box varieties of the Shield Brand: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), Menthol Green (Kings and 100's), and Menthol Silver 100's;
- Eight box varieties of the Traffic brand: Red (Kings and 100's), Blue (Kings and 100's), Silver 100's (medium blue packaging), Menthol Green (Kings and 100's), and Menthol Silver 100's (medium green packaging);
- Eight box varieties of the Ultra Buy Brand: Red (Kings and 100's), Blue (Kings and 100's), Silver 100's, Menthol Green (Kings and 100's), and Menthol Silver 100's; and
- Eight box varieties of the Manitou brand: No5 Virginia Kings, No6 Virginia Kings, No7 Virginia Kings, No8 Virginia Kings, No9 Virginia Kings, No10 Virginia Kings, No11 Virginia Kings, and No12 Virginia Kings.

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

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

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

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

Ms. Terri Albright

January 27, 2022

Page 3

This approval is effective on the date of this letter and runs through January 26, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Serena Viswanathan
Associate Director

troutman.com

Paige S. Fitzgerald

paige.fitzgerald@troutman.com

February 8, 2022

VIA E-MAIL

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

Cigarette Health Warning Plan
Native Trading Associates, LLC MOHAWK brand extension

Dear Ms. Viswanathan:

On behalf of Native Trading Associates, LLC ("NTA"), we hereby submit a request to extend the Surgeon General's Equalization Plan for NTA as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for five (5) additional styles of MOHAWK brand hard pack varieties. NTA previously submitted its 2021 Plan Renewal on April 12, 2021, that included its six (6) previously approved styles of the MOHAWK brand. The FTC approved that plan on April 23, 2021.

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

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

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

NTA submits a plan for the following five additional styles:

- Mohawk Gold 100's Box
- Mohawk Silver 100's Box
- Mohawk Full Flavor 100's Box
- Mohawk Menthol 100's Box
- Mohawk Menthol Gold 100's Box

Ms. Serena Viswanathan
February 8, 2022
Page 2



Sample packs and cartons displaying each of the four health warnings for the brand styles listed above were provided as enclosures with letter of May 5, 2021. The warnings will appear exactly as shown on the samples provided on May 5, 2021. NTA will equalize the four health warnings on the packs and cartons for each brand style listed above for the one year period beginning on the date of approval of this Plan.

In NTA's fiscal year 2021, which is the same as the calendar year, for NTA's Mohawk brand, the number of sticks sold of any one of this brand's styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2021, and sales of none of NTA's brand styles¹ exceeded [REDACTED] sticks. In fiscal year 2022, NTA does not anticipate sales of any single brand style of the Mohawk brand to exceed [REDACTED] sticks.

Beginning on the date of approval of this Plan, NTA will ensure that the printer will print all four 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 equalized on packs and cartons for each brand style. Based on the above, NTA requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. NTA will keep records demonstrating compliance with this Plan.

NTA's advertising plan for Mohawk was approved on June 10, 2011. NTA will maintain compliance with its approved advertising plan. NTA does not employ any multi-brand advertising.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Please contact me on my mobile phone, which is 804.938.2570, if you have any questions.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S Fitzgerald

A handwritten signature in blue ink, appearing to read "Dan Doran".

Dan Doran
Executive Vice President

¹ NTA also manufactures the Native brand. In NTA's fiscal year 2021, which is the same as the calendar year, for both the Native and Mohawk brands, the number of sticks sold of any one of these brands' styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2021, and sales of none of NTA's Native or Mohawk brand styles exceeded [REDACTED] sticks. In fiscal year 2022, as with the Mohawk brand, NTA does not anticipate sales of any single brand style of the Native brand to exceed [REDACTED] sticks.

Selected packaging samples from those
submitted with the plan.



Menthol **Gold**
100's

20 Class A Cigarettes

Made by
Native Trading Associates
Mohawk Nation Territory
Akwesasne, NY



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



20 Class A Cigarettes

Menthol **Gold**
100's



14



100's Menthol **Gold**

CTP1220 14/1
#81866 37-04
KBA

UNDERAGE
SALE
PROHIBITED



100's Box

Mohawk[®]



Gold



200 CIGARETTES

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

Mohawk[®]

UNDERAGE SALE PROHIBITED

200 Class A Cigarettes



Mohawk[®]



CTP0121 3/1
#81881 37-05_KBA

Mohawk[®]
Gold 100's



Division of
Advertising Practices

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

February 10, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper LLP
1001 Haxall Point, Suite 1500
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Native Trading Associates, LLC’s (“NTA”) plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes was approved on April 23, 2021. In your letter dated February 8, 2022, you now propose to expand NTA’s plan to include five additional varieties of the Mohawk brand.

NTA’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on May 5, 2021 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, NTA’s expansion of its plan for simultaneous display of the four health warnings on packaging for the following varieties of the Mohawk brand is hereby approved: Full Flavor 100’s Box, Silver 100’s Box, Gold 100’s Box, Menthol 100’s Box, and Menthol Gold 100’s Box.

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

I wish to remind you that the Commission’s April 23, 2021 approval of NTA’s cigarette health warning statement rotation plan for packaging of certain varieties of its brands runs

¹ NTA stated in its February 8, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on May 5, 2021.

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

Paige S. Fitzgerald, Esq.

February 10, 2022

Page 2

through April 22, 2022 (or until new health warnings required under the TCA take effect, whichever comes first) and that this letter does not extend that approval period.

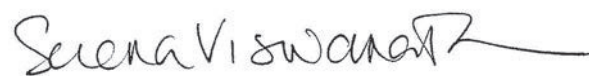
Please note that this letter only approves the expansion of NTA's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way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

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

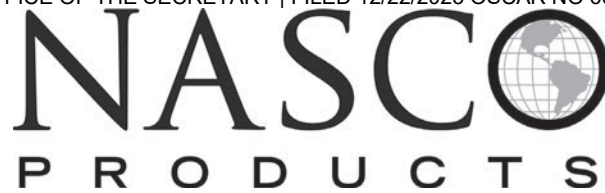
This approval is effective on the date of this letter and runs through February 9, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



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

February 7, 2022

Serena Viswanathan
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room CC-10528
Washington, DC 20580

RE: Surgeon General Warning Rotation Plan

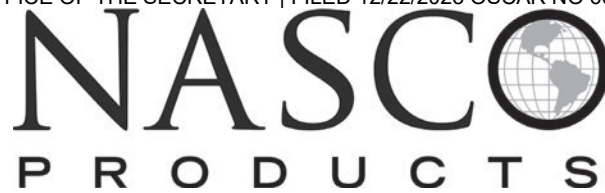
Dear Ms. Viswanathan,

Pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331-1341 (“the Cigarette Act”), this letter is being submitted for the approval of NASCO Products, LLC’s (“NASCO”) plan to use the alternative method to the quarterly rotation of Surgeon General Warnings on packaging of the VLN[®] cigarette brand styles and for the approval of the Surgeon General Warning Rotation Plan for Internet advertising, print media and other point of sale material of the VLN[®] cigarette brand. NASCO currently manufactures only the Moonlight and SF[®] cigarette brands¹. NASCO does not import any cigarette brands. Upon approval of this plan, the manufacturer intends to sell VLN cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033) and advertise the brand.

Packaging

The VLN cigarette brand will be manufactured in two (2) varieties, King Box and Menthol King Box. These cigarettes will be packaged in 200 count cartons (“Outer Cartons”). Each Outer Carton will contain 10 packs of 20 cigarettes each (“Pack”). The Surgeon General Warnings will be on each Pack and Outer

¹ NASCO Products, LLC continues to be in compliance with its November 22, 2021, plan for the simultaneous display of the four health warnings on packaging of 10 styles of the SF cigarette brand and its November 22, 2021, plan for the quarterly rotation of the four health warnings on packaging for the SF Non-filter King soft Pack variety (both plans were approved November 24, 2021). NASCO also continues to be in compliance with its August 6, 2021, plan for the simultaneous display of the four health warnings on packaging for the Moonlight cigarette brand approved August 6, 2021.



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

Carton of cigarettes in the form and content dictated by the Cigarette Act. The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type and location required by the Cigarette Act. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated January 24, 2022. NASCO intends to use a different UPC barcode on the Menthol King Box variety cartons than the UPC barcode that is on the Menthol King Box variety cartons submitted with our January 24, 2022 letter. The warnings will not be affected by this change in UPC barcode.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in the Cigarette Act. For the fiscal year 2021, NASCO's sales figures for any one brand style of cigarettes manufactured did not exceed [REDACTED] sticks. Also, for the 2022 fiscal year, NASCO does not anticipate sales volume for any one brand style of cigarette that NASCO manufactures to exceed [REDACTED] sticks. While NASCO has never manufactured the VLN cigarette brand, for the fiscal year 2022, NASCO does not anticipate sales of any one style of the VLN cigarette brand to exceed [REDACTED] sticks.

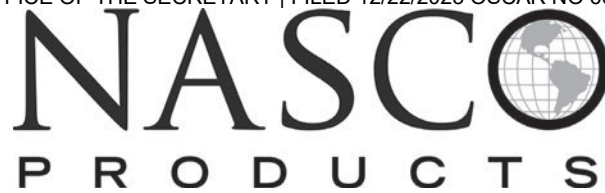
If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the VLN cigarette brand styles listed above an equal number of times throughout the one-year period beginning on the date this plan is approved. To ensure the four cigarette health warnings appear on the VLN cigarette brand styles an equal number of times throughout the one-year period beginning on the date this plan is approved, packaging from the supplier will arrive to NASCO with an equal number of each of the four warnings and all packaging will be used in the production of product within the period. We will keep records demonstrating compliance with this plan.

Advertising

Internet Advertising

NASCO wishes to apply for a plan to display the four Surgeon General's health warnings in Internet advertising of the VLN brand. NASCO plans to advertise the VLN cigarette brand on the Internet website www.tryVLN.com.

In Internet advertising for the VLN brand, NASCO will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings will be proportionate to those warning formats. The warnings will be displayed in an unavoidable manner on every webpage where it may be viewed without scrolling and shall not be accessed through hyperlinks, pop ups, interstitials, or other similar means. The warnings will appear on the website as they do on the sample website pages enclosed for reference. The warnings



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will be rotated quarterly in Internet advertising for the VLN cigarette brand in accordance with the schedule set forth in Exhibit A below.

NASCO will continue to comply with its April 25, 2017 plan for Internet advertising of the SF brand following the rotation schedule set forth in our November 22, 2021 letter (also shown in Exhibit A below); and its August 3, 2020 plan for Internet advertising of the Moonlight brand. For multi-brand advertisements, NASCO will follow the rotation schedule in Exhibit A for the SF brand.

Printed and Other Point of Sale Advertising

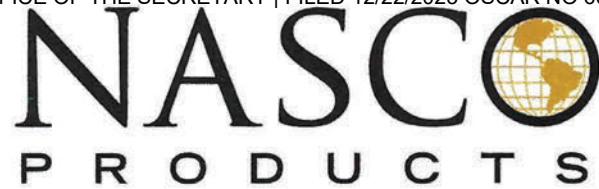
NASCO wishes to apply for a plan to display the four Surgeon General's health warnings in print media² and point of sale material³ advertising of the VLN cigarette brand. NASCO will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and NASCO will place the warnings as specified in those plans. Warning formats that will be used in print media and point of sale advertising were enclosed with our letter dated October 15, 2020. Exhibits 1A – 1D will be used on advertisements measuring up to 65 square inches, Exhibits 2A – 2D will be used on advertisements measuring over 65 to 110 square inches, Exhibits 3A – 3D will be used on advertisements measuring over 110 to 180 square inches, Exhibits 4A – 4D will be used on advertisements measuring over 180 to 360 square inches, and Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches. Exhibits 6A – 6D will be used on advertisements measuring over 470 to 720 square inches. Exhibits 7A – 7D will be used on advertisements measuring over 5 to 10 square feet. Exhibits 8A – 8D will be used on advertisements measuring over 10 to 20 square feet. The size of our advertising in print media and on point of sale materials will not exceed 20 square feet. The warnings will be rotated quarterly in print media and on point-of-sale advertising for the VLN[®] cigarette brand in accordance with the rotation schedule below. For multi-brand advertisements, NASCO will follow the rotation schedule in Exhibit A for the SF brand.

NASCO will continue to comply with its August 6, 2021 plan for print and point-of-sale advertising up to twenty (20) square feet for the Moonlight brand.

NASCO is aware of the requirements set forth in the Cigarette Act and endeavors to remain fully compliant with same. Upon approval of this request, NASCO will maintain record of compliance with the approved plan, as it has done with all previously obtained approvals.

² Examples of print media include, but are not limited to, periodicals, postcards, signs, and shelf talkers.

³ Examples of point of sale materials are items used in retail stores to advertise the products and these include, but are not limited to, counter displays, tin signs, and retail store window clings.



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If there are any questions or concerns regarding this plan, please contact me by phone at (716) 270-1523. Alternatively, facsimiles may be sent to (716) 877-3064 and I may be reached by email at kdelaney@xxiicentury.com.

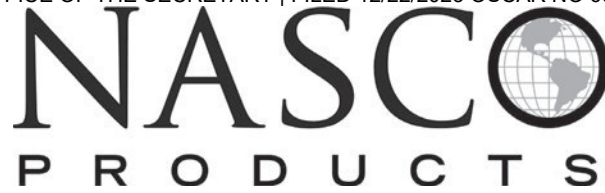
Thank you in advance for your time and consideration.

Sincerely,

**Karen E.
Delaney**

Digitally signed by
Karen E. Delaney
Date: 2022.02.07
15:32:35 -05'00'

Karen E. Delaney
Tax Compliance Manager



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

Exhibit A

Rotation Schedule for Advertising

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

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

Selected packaging samples from those
submitted with the plan.

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



95% LESS NICOTINE

Nicotine is addictive.
Less nicotine does NOT mean
safer. All cigarettes can cause
disease and death.

Made in USA under exclusive license
for 22nd Century Group, Inc.
Buffalo, New York 14204
Questions: 800.225.1838
www.tryVLTN.com NASDAQ: XXII



TP-NC-15033

CM



064318 5

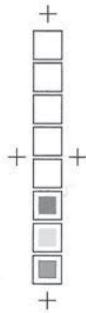
VLTN smells, burns, and tastes
like a conventional cigarette,
but greatly reduces your
nicotine consumption.

95% LESS NICOTINE



MENTHOL

HELPS YOU
SMOKE LESS



HELPS YOU
SMOKE LESS

CLASS A
20
CIGARETTES

Underage
Sale
Prohibited

Underage Sale Prohibited

Questions: 800
www.tryVLN.c

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 12/22/2023 OSCAR NO 609237 | PAGE Page 36 of 197 *-PUBLIC

NTA

HELPS YOU SMOKE LESS

VLN

95% LESS

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

VLN



95% LESS NICOTINE

NTA

SMOKE LESS



Division of
Advertising Practices

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

February 11, 2022

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by NASCO Products, LLC (“NASCO”) on February 7, 2022, calling for: (1) quarterly rotation of the four health warnings in print and point-of-sale advertising up to twenty square feet in size for the VLN brand of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the VLN brand; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the VLN brand of cigarettes.

NASCO’s plan for rotation of the warnings in the aforementioned advertising for the VLN brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

NASCO’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 January 24, 2022 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the VLN King Box and VLN Menthol King Box varieties. **This approval of NASCO’s plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through February 10, 2023, or until new health warnings required under the TCA take effect, whichever comes first.**

¹ NASCO stated in its February 7, 2022 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

Ms. Karen E. Delaney

February 11, 2022

Page 2

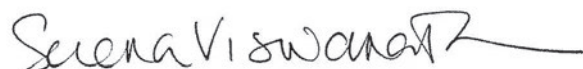
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director

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

Troutman Sanders Building, 1001 Haxall Point
Richmond, VA 23219



troutman.com

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

February 4, 2022

VIA E-MAIL

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

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

Dear Ms. Viswanathan:

On behalf of Cherokee Tobacco Company, LLC ("Cherokee"), we hereby submit a request to approve 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 and hard pack varieties listed below. Cherokee previously submitted its Plan on February 9, 2021, for nineteen (19) previously- approved styles of Cherokee. Your office approved this plan on February 18, 2021.

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 previously-approved 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. The location of the factory at which Cherokee is manufactured remains at 1057 Bill Tuck Highway, South Boston, VA 24592. The contract manufacturer is Firebird Manufacturing, LLC ("Firebird"). Jamie Powell is Senior Vice President – Administration of both Cherokee and Firebird (phone: 434.575.8881). Cherokee does not import any cigarettes. The only brand Cherokee has manufactured is the CHEROKEE brand.

Cherokee had a plan for the following 19 styles of the Cherokee brand:

Red Kings (soft pack and Box), Red 100's (soft pack and Box), Blue Kings (soft pack and Box), Blue 100's (soft pack and Box), Menthol Green Kings (soft pack and Box), Menthol Green 100's (soft pack and Box), Menthol Gold Kings soft pack, Menthol Gold 100's (soft pack and Box), Sky Kings soft pack, Sky 100's (soft pack and Box), and Non-filter Kings soft pack.

Ms. Serena Viswanathan
February 4, 2022
Page 2



In our fiscal year 2021, which is the same as the calendar year, our total sales of the CHEROKEE brand were less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2021, and sales of none of the Cherokee brand style exceeded [REDACTED] sticks. In fiscal year 2022, we do not anticipate sales of any single brand style of the Cherokee brand to exceed [REDACTED] sticks. These sales figures should qualify the company for the Section 1333(c)(2) exemption.

Packs and cartons of each brand style displaying each of the 4 health warnings were submitted with our letter dated May 18, 2018. The warnings will appear exactly as shown on these samples. Cherokee will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

Beginning on the date of approval of this Plan, Cherokee will ensure that the printer will print all four 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 equalized on packs and cartons for each brand style. Based on the above, Cherokee requests approval to use the equalization 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 approved Plan dated April 11, 2005. Cherokee will maintain compliance with that Plan.

On behalf of Cherokee, we submit that this Plan 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) 698-5114, or preferably be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my cell phone number, which is 804.938.2570.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S Fitzgerald

A handwritten signature in blue ink, appearing to read "Jamie Powell".

Jamie Powell
Senior Vice President - Administration



Division of
Advertising Practices

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

February 15, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper
1001 Haxall Point
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cherokee Tobacco Company, LLC (“Cherokee”) on February 4, 2022, 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 May 18, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Cherokee stated in its February 4, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on May 18, 2018.

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

Paige S. Fitzgerald, Esq.

February 15, 2022

Page 2

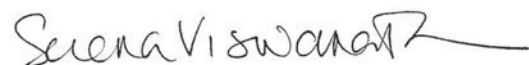
Please note that this letter only approves Cherokee's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through February 14, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

troutman.com

Paige S. Fitzgerald

paige.fitzgerald@troutman.com

February 4, 2022

VIA EMAIL

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

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

Dear Ms. Viswanathan:

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

Great Swamp’s first equalization plan was approved by the Federal Trade Commission (the “FTC”) on March 10, 2011. The effective date of its most recent plan, which was filed on February 10, 2021, runs through February 17, 2022.

There have been no material changes in Great Swamp’s operations since the submission of its most recent equalization plan, as summarized below.

Great Swamp is the manufacturer of the Cayuga Brand. Its manufacturing facility is located at 61 Ovid Street, Seneca Falls, NY 13148 (Tel: 315.568.5880). Ms. Crissy Murphy is the General Manager. Great Swamp currently manufactures a single brand of cigarettes—the Cayuga Brand—but it does not import or export any cigarettes.

The fiscal year for Great Swamp is the calendar year. During 2021, Great Swamp’s actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Sales for 2022 are projected to be approximately [REDACTED] sticks.

Ms. Serena Viswanathan
February 4, 2022
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Cayuga Brand cigarettes are sold in eleven (11) hard pack brand styles. Great Swamp requests that the following eleven (11) styles be included in the Plan:

Cayuga Dark Green Kings, Cayuga Medium Green Kings, Cayuga Red Kings, Cayuga Blue Kings, Cayuga Gold Kings, Cayuga Dark Green 100's, Cayuga Medium Green 100's, Cayuga Light Green 100's, Cayuga Red 100's, Cayuga Blue 100's, and Cayuga Gold 100's.¹

These are the exact same brand styles that were the subject of the equalization plan submitted by Great Swamp on February 10, 2021, as approved by the FTC on February 18, 2021; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packs and cartons submitted with our letter to the FTC dated January 9, 2019.

Great Swamp will display the four health warnings an equal number of times on the packs and cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will order packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Lastly, Great Swamp will keep records documenting its compliance with this Plan.

Based on the foregoing, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp is aware that the Food and Drug Administration may assume jurisdiction, at any time during 2022, for warning label compliance.

Although Great Swamp does not advertise its products on the internet, it does use print advertising to promote the Cayuga brand. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in print advertising up to 720 square inches in size for the Cayuga brand of cigarettes. The FTC approved Great Swamp's advertising rotation plan on December 11, 2012.

On behalf of Great Swamp, we submit that this Plan 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 sent by email to paige.fitzgerald@troutman.com.

¹ Although colors are used in the name of each Cayuga brand style, those names are *not* printed on any cigarette packaging. For example, the words "Light Green" do not appear on the packaging of "Light Green 100's." However, the color used for each brand style's packaging does conform to the color used in its name.

Ms. Serena Viswanathan

February 4, 2022

Page 3



Should you require any additional information with respect to the foregoing, please contact me by cell phone at 804.938.2570.

Sincerely,

Paige S. Fitzgerald

Paige S. Fitzgerald

A handwritten signature in blue ink that reads "C. Murphy".

Crissy Murphy
General Manager
Great Swamp Enterprises, Inc.



Division of
Advertising Practices

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

February 15, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper
1001 Haxall Point
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Great Swamp Enterprises, Inc. (“Great Swamp”), on February 4, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cayuga brand of cigarettes.

Great Swamp’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 9, 2019 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Great Swamp’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eleven hard pack varieties of the Cayuga brand: Dark Green (Kings and 100’s), Medium Green (Kings and 100’s), Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), and Light Green 100’s.²

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

¹ Great Swamp stated in its February 4, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 9, 2019.

² As set forth in its February 4, 2022 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the words “Light Green” do not appear on the packaging of the “Light Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

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

Paige S. Fitzgerald, Esq.

February 15, 2022

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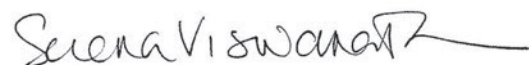
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings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

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

This approval is effective on the date of this letter and runs through February 14, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



troutman.com

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

February 14, 2022

VIA E-MAIL

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

Cigarette Health Warning Plan
Firebird Manufacturing, LLC and Palmetto brand

Dear Ms. Viswanathan:

On behalf of Firebird Manufacturing, LLC ("Firebird"), we hereby submit a request to approve Firebird's Surgeon General's Equalization Plan for Firebird 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 PALMETTO brand soft and hard pack varieties listed below. Firebird previously submitted its Plan renewal on February 9, 2021, for eighteen (18) styles of Palmetto. Your office approved this plan on February 18, 2021.

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

Firebird continues as the exclusive manufacturer of the Palmetto brand cigarettes and holder of the rights to the trademark for these brands. Firebird's factory remains at 1057 Bill Tuck Highway, Suite 239, South Boston, VA 24592, and Firebird's telephone number is 434.575.1118. Jamie Powell is the Senior Vice President - Administration of Firebird. Firebird does not import any cigarettes; Firebird does not manufacture any other brand on its behalf.¹

Firebird requests a plan for the following:

Eighteen varieties of the Palmetto brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Gold Kings (Soft Pack and Box), Gold 100's (Soft Pack and Box), Blue Kings Soft Pack, Blue 100's (Soft Pack and Box), Menthol Green Kings (Soft Pack and Box), Menthol Green 100's (Soft Pack and Box), Menthol Gold Kings Soft Pack, and Menthol Gold 100's (Soft Pack and Box).

¹ Firebird also manufactures the Cherokee brand of cigarettes for Cherokee Tobacco Company. Cherokee Tobacco Company submits the warning plan for the Cherokee brand.

Ms. Serena Viswanathan
February 14, 2022
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In Firebird's fiscal year 2021, which is the same as the calendar year, for the Palmetto brands, the number of sticks sold of any one of these brands' styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2021, and sales of none of Firebird's Palmetto brand style exceeded [REDACTED] sticks. In fiscal year 2022, Firebird does not anticipate sales of any single brand style of the Palmetto brand to exceed [REDACTED] sticks. These sales figures should qualify the company for the Section 1333(c)(2) exemption.

Packs and cartons of each brand style displaying each of the 4 health warnings were submitted on May 27, 2016, June 26, 2018, and July 19, 2019. The warnings will appear exactly as shown on these samples. Firebird will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

Firebird will equalize the four health warnings on the packs and cartons for each brand style listed above for the one year period beginning on the date of the approval of this Plan. Beginning on the date of approval of this Plan, Firebird will ensure that the printer will print all four 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 equalized on packs and cartons for each brand style. Based on the above, Firebird requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. Firebird will keep records demonstrating compliance with this Plan.

Firebird does not advertise at this time. Should Firebird desire to advertise its products, it will submit an advertising Plan to FTC in advance.

On behalf of Firebird, we submit that this Plan 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) 698-5114, or preferably be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my phone number listed above.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S. Fitzgerald

A handwritten signature in blue ink, appearing to read "Jamie Powell".

Jamie Powell
Senior Vice President - Administration
Firebird Manufacturing, LLC



Division of
Advertising Practices

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

February 16, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper
1001 Haxall Point
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Firebird Manufacturing, LLC (“Firebird”) on February 14, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Palmetto brand of cigarettes.

Firebird’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 of May 27, 2016, June 26, 2018, and July 19, 2019 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Firebird’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eighteen varieties of the Palmetto brand: Red Kings (Soft Pack and Box), Red 100’s (Soft Pack and Box), Gold Kings (Soft Pack and Box), Gold 100’s (Soft Pack and Box), Blue Kings Soft Pack, Blue 100’s (Soft Pack and Box), Menthol Green Kings (Soft Pack and Box), Menthol Green 100’s (Soft Pack and Box), Menthol Gold Kings Soft Pack, and Menthol Gold 100’s (Soft Pack and Box).

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

¹ Firebird stated in its letter of February 14, 2022 that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

Paige S. Fitzgerald, Esq.

February 16, 2022

Page 2

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

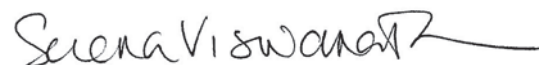
Please note that this letter only approves Firebird's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through February 15, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



AZUMA CORPORATION

920 B County Road 56 Alturas, CA 96101
PO Box 340 Alturas, CA 96101

February 3, 2022

Federal Trade Commission
Advertising Practices
Mail Drop CC-10528
Serena Viswanathan, Associate Director
600 Pennsylvania Ave, NW
Washington, DC 20580

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for Azuma Corporation

Dear Ms. Viswanathan:

Please find enclosed Azuma Corporation's (Azuma) request for approval of its warning label plan for the varieties of Tracker, Sands, and Heron cigarette brands listed below and submission of its warning plan for Tucson brand of cigarettes.

On February 10, 2020, the Federal Trade Commission (FTC) approved Azuma's equalization plan for the following brand styles which Azuma manufactures:

- Eight Box varieties of the Heron brand: No. 33 Black Red (Kings and 100's), No. 33 Black Gold (Kings and 100's), No. 33 Black Menthol (Kings and 100's), and Crimson Medium (Kings and 100's); and
- Ten Box varieties of the Sands brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Blue (Kings and 100's).
- Six Box varieties of the Tracker brand: Red Bear (Kings and 100's), Golden Panther (Kings and 100's), and Green Forest (Kings and 100's).

February 3, 2022

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Also on February 10, 2020, the FTC approved Azuma's equalization plan for the following six box varieties of the Shinnecock brand: Red (Kings and 100's), Yellow (Kings and 100's), and Menthol (Kings and 100's). Azuma has ceased manufacturing all of the above listed Shinnecock brand styles and therefore is not seeking renewal of its equalization plan for Shinnecock. Provided that authority to approve cigarette health warning statement plans has not moved from the FTC to the FDA, and should Azuma resume manufacture of the Shinnecock brand styles (or import the Shinnecock brand styles), it will submit its equalization plan to FTC prior to such manufacture (or import).

On March 16, 2020, Azuma submitted, and FTC approved, Azuma's equalization plan for the following brand styles which Azuma manufacturers: Tracker Blue Eagle (Kings and 100's), and Tracker Green Mist (Kings and 100's).

The warnings on the Heron, Sands, and Tracker brand styles have and will continue to appear exactly as shown on the sample packs and cartons enclosed with our April 4, 2018, April 26, 2018, and May 18, 2018, and January 29, 2020 letters.

In addition, Azuma seeks approval for its equalization plan for the Tucson brand of cigarette of the following varieties:

1. Tucson Red Bull Kings Box
2. Tucson Blue Bull Kings Box
3. Tucson Menthol Kings Box
4. Tucson Golden Bull Kings Box
5. Tucson Menthol Mist Kings Box
6. Tucson Red Bull 100's Box
7. Tucson Blue Bull 100's Box
8. Tucson Menthol 100's Box
9. Tucson Golden Bull 100's Box
10. Tucson Menthol Mist 100's Box

Also, Azuma seeks approval for its equalization plan for Heron, Sands, and Tracker brands of cigarette of the following varieties:

Heron--

1. Heron No. 33 Black Red Kings Box
2. Heron No. 33 Black Gold Kings Box
3. Heron No. 33 Black Menthol Kings Box
4. Heron No. 33 Black Red 100's Box
5. Heron No. 33 Black Gold 100's Box
6. Heron No. 33 Black Menthol 100's Box
7. Heron Crimson Kings Box

February 3, 2022

Page 3

8. Heron Crimson 100's Box

Sands—

1. Sands Red Kings Box
2. Sands Gold Kings Box
3. Sands Silver Kings Box
4. Sands Menthol Kings Box
5. Sands Menthol Blue Kings Box
6. Sands Red 100's Box
7. Sands Gold 100's Box
8. Sands Silver 100's Box
9. Sands Menthol 100's Box
10. Sands Menthol Blue 100's Box

Tracker—

1. Tracker Red Bear Kings Box
2. Tracker Golden Panther Kings Box
3. Tracker Green Forest Kings Box
4. Tracker Blue Eagle Kings Box
5. Tracker Green Mist Kings Box
6. Tracker Red Bear 100's Box
7. Tracker Golden Panther 100's Box
8. Tracker Green Forest 100's Box
9. Tracker Blue Eagle 100's Box
10. Tracker Green Mist 100's Box

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

The warnings on the packs and outer cartons of each brand style of Tucson will appear exactly as shown in the samples provided to your office with the letters dated October 28, 2021 and January 10, 2022.

Azuma's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we manufactured for the 2021 fiscal year are set out in Exhibit A. Azuma will manufacture the Tracker, Tucson, Sands, and Heron brand styles. Azuma does not import any cigarettes.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, we will display the four (4) cigarette health warnings on the packs and cartons of each Tucson, Tracker, Heron and Sands cigarette

February 3, 2022

Page 4

brand styles listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Tucson, Tracker, Heron and Sands brand an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

Azuma does not at this time intend to advertise the Tucson, Tracker, Heron or Sands brand of cigarettes. Azuma will submit a plan for advertising to FTC prior to engaging in any advertising.

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 Ben Fenner at 202-450-4887.

Sincerely,


Azuma Corporation
Alyssa Rose

Compliance Officer
(530) 638-5770

EXHIBIT A

TRACKER SALES NUMBERS (STICKS) FOR FISCAL YEAR 2021

Tracker Blue Eagle 100s	[REDACTED]	sticks
Tracker Blue Eagle Kings	[REDACTED]	sticks
Tracker Green Mist 100s	[REDACTED]	sticks
Tracker Green Mist Kings	[REDACTED]	sticks
Tracker Red Bear Kings	[REDACTED]	sticks
Tracker Red Bear 100s	[REDACTED]	sticks
Tracker Golden Panther Kings	[REDACTED]	sticks
Tracker Golden Panther 100s	[REDACTED]	sticks
Tracker Green Forest Kings	[REDACTED]	sticks
Tracker Green Forest 100s	[REDACTED]	sticks

SANDS SALES NUBMER (STICKS) FOR FISCAL YEAR 2021

Sands Red 100s	[REDACTED]	sticks
Sands Red King	[REDACTED]	sticks
Sands Gold 100	[REDACTED]	sticks
Sands Gold King	[REDACTED]	sticks
Sands Silver 100	[REDACTED]	sticks
Sands Silver King	[REDACTED]	sticks
Sands Menthol 100	[REDACTED]	sticks
Sands Menthol King	[REDACTED]	sticks
Sands Menthol Blue 100	[REDACTED]	sticks
Sands Menthol Blue King	[REDACTED]	sticks

ESTIMATED TUCSON SALES NUMBERS (STICKS) FOR FISCAL YEAR 2022

Tucson Blue Bull 100s	[REDACTED]	sticks
Tucson Blue Bull Kings	[REDACTED]	sticks
Tucson Menthol Mist 100s	[REDACTED]	sticks
Tucson Menthol Mist Kings	[REDACTED]	sticks
Tucson Red Bull Kings	[REDACTED]	sticks
Tucson Red Bull 100s	[REDACTED]	sticks
Tucson Golden Bull Kings	[REDACTED]	sticks
Tucson Golden Bull 100s	[REDACTED]	sticks
Tucson Menthol Kings	[REDACTED]	sticks
Tucson Menthol 100s	[REDACTED]	sticks

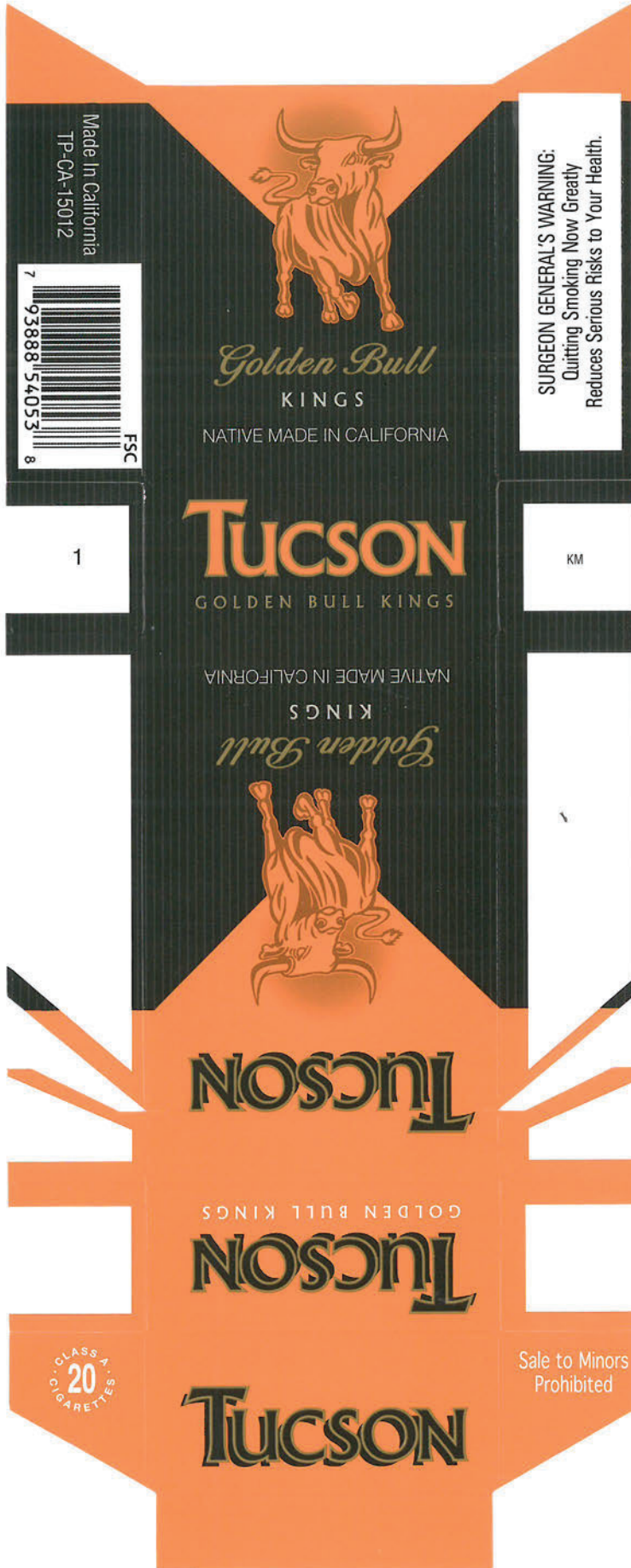
HERON BLACK SALES NUBMER (STICKS) FOR FISCAL YEAR 2021

Black Red 100s	[REDACTED]	sticks
Black Red King	[REDACTED]	sticks
Black Gold 100	[REDACTED]	sticks
Black Gold King	[REDACTED]	sticks
Black Menthol 100	[REDACTED]	sticks
Black Menthol King	[REDACTED]	sticks

HERON CRIMSON SALES NUBMER (STICKS) FOR FISCAL YEAR 20

Crimson 100s	[REDACTED]	sticks
Crimson Kings	[REDACTED]	sticks

Selected packaging samples from those
submitted with the plan.



TUCSON
Menthol



TUCSON

Menthol

KINGS

NATIVE MADE IN CALIFORNIA

TUCSON

MENTHOL KINGS

SURGEON GENERAL'S WARNING:

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

NATIVE MADE IN CALIFORNIA

Menthol

KINGS

TUCSON



FSC



38 54083 5



Division of
Advertising Practices

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

February 17, 2022

Ms. Alyssa Rose
Azuma Corporation
P.O. Box 340
Alturas, CA 96101

Dear Ms. Rose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Azuma Corporation (“Azuma”) on February 3, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Sands, Tracker, and Tucson brands of cigarettes.

Azuma’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 April 4, 2018 and April 26, 2018 (Heron and Sands), May 18, 2018 and January 29, 2020 (Tracker), and October 28, 2021 and January 10, 2022 (Tucson) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight box varieties of the Heron brand: No. 33 Black Red (Kings and 100’s), No. 33 Black Gold (Kings and 100’s), No. 33 Black Menthol (Kings and 100’s), and Crimson Medium (Kings and 100’s);
- Ten box varieties of the Sands brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Blue (Kings and 100’s);

¹ Azuma stated in its February 3, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Alyssa Rose
February 17, 2022
Page 2

- Ten box varieties of the Tracker brand: Red Bear (Kings and 100's), Golden Panther (Kings and 100's), Green Forest (Kings and 100's), Tracker Blue Eagle (Kings and 100's), and Tracker Green Mist (Kings and 100's); and
- Ten box varieties of the Tucson brand: Red Bull (Kings and 100's), Blue Bull (Kings and 100's), Golden Bull (Kings and 100's), Menthol (Kings and 100's), and Menthol Mist (Kings and 100s).

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

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

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

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

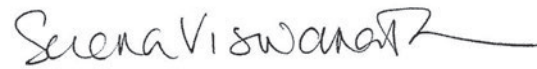
This approval is effective on the date of this letter and runs through February 16, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Ms. Alyssa Rose
February 17, 2022
Page 3

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a long, horizontal flourish.

Serena Viswanathan
Associate Director



Wapato, WA 98951

509-361-1623

February 10, 2022

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

RE: Lone Warrior Holdings, Inc. – Request for Approval of Health Warning Rotation Plan for Rainier and Yakama Brands

Dear Ms. Engle:

Lone Warrior Holdings, Inc. is requesting approval for its plan for the simultaneous display of the four health warnings on all varieties of the Rainier and Yakama brands listed in this plan, which are sold in hard pack packaging. The Rainier and Yakama brands are manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company. Upon approval of this plan, the contract manufacturer will manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (TTB Permit No. TP-NY-15047). Lone Warrior Holdings, Inc. does not have any other cigarette brands manufactured under contract and does not manufacture any other cigarette brands itself. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

The four health warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our August 16, 2019, submission.

Lone Warrior Holdings, Inc. will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the Rainier and Yakama brands for the one-year period beginning on the date of approval of this plan. Lone Warrior Holdings, Inc. will achieve equalization of the four warnings on the packs and cartons of each brand style listed below through its printing process. The contract printer will print four (4) cartons to a sheet – each carton on the sheet will have a different one of the four health warnings. Similarly, the contract printer will print sixteen (16) packs to a sheet with four (4) of each of the health



Wapato, WA 98951

509-361-1623

warnings repeated four (4) times. Every print run of cartons and packs will therefore have an equal distribution of health warnings and, accordingly, Lone Warrior Holdings, Inc.'s contract

manufacturer's print runs will have an equal distribution of health warnings. Lone Warrior Holdings Inc. will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of the Rainier and Yakama brands have been equalized to date.

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

The four warnings that will be displayed 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.

Lone Warrior Holdings, Inc. will continue to comply with the advertising rotation plan previously approved.

Lone Warrior Holdings, Inc.'s fiscal year is the calendar year. In fiscal year 2021 Lone Warrior Holdings Inc. sold [REDACTED] cigarettes, all of which were of the Rainier and Yakama brands.

Lone Warrior Holdings, Inc. requests approval of this plan. If there are any questions or concerns regarding this plan, please contact me.

229 Lateral A Rd, Ste. 260400



Wapato, WA 98951

509-361-1623

Sincerely,

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

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President, Chief Operating Officer

229 Lateral A Rd, Ste 201

Wapato, WA 98951

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net



Division of
Advertising Practices

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

February 17, 2022

Mr. Kanim James
Lone Warrior Holdings, Inc.
229 Lateral A Road, Suite 200
Wapato, WA 98951

Dear Mr. James:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Lone Warrior Holdings, Inc. (“Lone Warrior”) on February 10, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Rainier and Yakama brands of cigarettes.

Lone Warrior’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your August 16, 2019 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Lone Warrior stated in its February 10, 2022 plan that the four health warnings will appear exactly as shown on the packs and cartons submitted on August 16, 2019.

Mr. Kanim James
February 17, 2022
Page 2

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

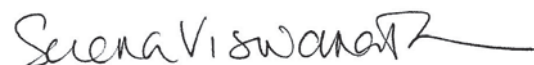
Please note that this letter only approves Lone Warrior's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through February 16, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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



Commonwealth BRANDS, INC.

March 4, 2022

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

**RE: COMMONWEALTH BRANDS, INC.
2022 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Viswanathan:

Commonwealth Brands, Inc. (“Commonwealth Brands”), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2022 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma ¹
Montclair	USA Gold

This letter requests approval of a plan to conduct our manufacturing operations so that the four health warnings specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Labeling Act"), shall appear on the packages and cartons of each brand style of cigarettes on **Exhibit A** an equal number of times during the 12-month period starting from the date this plan is approved by the FTC. These brand styles meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles subject to this plan have sales in excess of one-fourth of 1 percent of all cigarettes sold in the U.S. during Commonwealth Brands' most recent fiscal year preceding submission of this application; and (ii) more than 50% of the cigarettes manufactured by Commonwealth Brands are packaged into brands styles that fall below the maximum volume set out in (i) above. Through the date of this application the Surgeon General's warnings on the packages for the previously approved brand styles of Commonwealth Brands have been rotated in accordance with its previously approved plans. If this request is approved, Commonwealth Brands will require one-fourth of each package and carton material order for all brand styles in **Exhibit A** to be printed

¹ Two Sonoma brand styles, Sonoma Red Box and Sonoma Red Box 100s, unexpectedly had sales slightly in excess of what is required to qualify for the exemption from the quarterly rotation requirement. A separate quarterly rotation plan is being submitted for these two brand styles.

with each of the four warnings. Commonwealth Brands will maintain records that document compliance with this rotation plan.

The sales figures for Commonwealth Brands' brand styles during the most recent fiscal year preceding submission of this application (ending September 30, 2021) are reported in the attached **Exhibit B**.

During 2022, Commonwealth Brands will manufacture 65 brand styles.

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

Brand(s)	Date(s)
Crowns	February 28, 2018
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

The warnings read precisely as required by the Cigarette Labeling Act.

A listing of all Commonwealth Brands' styles for 2022 for which this quarterly rotation exemption plan applies is attached in **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during its most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2021, were [REDACTED] billion units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2020 and First, Second and Third Quarters, 2021*. Commonwealth Brands' sales volume is measured on a fiscal year.

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

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

Fortuna - The July 16, 2008 plan for advertising which included a plan

for display of the warnings in internet advertising.

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

Rave - The April 13, 2017 plan for advertising which included a plan for display of the warnings in advertising up to ten square feet in size.

Sonoma - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

USA Gold - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

Commonwealth Brands' advertising rotation plan is attached as **Exhibit C**.

This letter will also confirm that Commonwealth Brands has no Spanish language advertising with regard to any of its brands and no plans to implement same.

If you require any additional information, please contact me.

Sincerely,



Geraldine Bowen Barker
Associate General Counsel
714 Green Valley Road
Greensboro, NC 27408
Phone: 336-335-7260
Geraldine.bowen@itgbrands.com

Attachments:

Exhibit A - Current List of Brand Styles

Exhibit B - Cigarette Volume 10/01/2020-09/30/2021

Exhibit C - Quarterly Warning Rotation Plan for Advertisements

EXHIBIT A

COMMONWEALTH BRANDS ROTATION PLAN
PACKAGING AND CARTON LABELS
CURRENT LIST OF BRAND STYLES

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

CROWNS

CROWNS GOLD KINGS BOX
CROWNS GOLD 100s BOX
CROWNS MENTHOL GREEN 100s BOX
CROWNS RED KINGS BOX
CROWNS RED 100s BOX
CROWNS MENTHOL DARK GREEN 100s BOX

FORTUNA

FORTUNA BLUE KINGS BOX
FORTUNA BLUE 100s BOX
FORTUNA MENTHOL GREEN KINGS BOX
FORTUNA MENTHOL GREEN 100s BOX
FORTUNA RED KINGS BOX
FORTUNA RED 100s BOX
FORTUNA MENTHOL DARK GREEN KINGS BOX
FORTUNA MENTHOL DARK GREEN 100s BOX
FORTUNA PALE BLUE KINGS BOX
FORTUNA PALE BLUE 100s BOX

MONTCLAIR

MONTCLAIR MENTHOL GOLD 100s BOX
MONTCLAIR SILVER 100s BOX
MONTCLAIR BLUE 100s BOX
MONTCLAIR BLACK 100s BOX
MONTCLAIR BLACK KINGS BOX
MONTCLAIR BLUE KINGS BOX
MONTCLAIR MENTHOL DARK GREEN 100s BOX
MONTCLAIR MENTHOL DARK GREEN KINGS BOX

RAVE

RAVE GOLD KINGS BOX
RAVE GOLD 100s BOX
RAVE RED KINGS BOX
RAVE RED 100s BOX
RAVE MENTHOL DARK GREEN KINGS BOX
RAVE MENTHOL DARK GREEN 100s BOX

SONOMA

SONOMA GOLD KINGS BOX
SONOMA GOLD 100s SOFT PACK
SONOMA GOLD 100s BOX
SONOMA BLUE 100s BOX
SONOMA BLUE 100s SOFT PACK
SONOMA MENTHOL GREEN KINGS BOX
SONOMA MENTHOL GREEN 100s SOFT PACK
SONOMA MENTHOL GREEN 100s BOX
SONOMA RED 100s SOFT PACK
SONOMA MENTHOL DARK GREEN KINGS BOX
SONOMA MENTHOL DARK GREEN 100s SOFT PACK
SONOMA MENTHOL DARK GREEN 100s BOX
SONOMA NON-FILTER KINGS SOFT PACK

USA GOLD

USA GOLD MENTHOL DARK GREEN KINGS SOFT PACK
USA GOLD MENTHOL DARK GREEN KINGS BOX
USA GOLD MENTHOL DARK GREEN 100s SOFT PACK
USA GOLD MENTHOL DARK GREEN 100s BOX
USA GOLD MENTHOL GOLD KINGS SOFT PACK
USA GOLD MENTHOL GOLD 100s SOFT PACK
USA GOLD MENTHOL GOLD 100s BOX
USA GOLD GOLD KINGS SOFT PACK
USA GOLD GOLD KINGS BOX
USA GOLD GOLD 100s SOFT PACK
USA GOLD GOLD 100s BOX
USA GOLD BLUE KINGS SOFT PACK
USA GOLD BLUE KINGS BOX
USA GOLD BLUE 100s SOFT PACK
USA GOLD BLUE 100s BOX
USA GOLD RED KINGS SOFT PACK
USA GOLD RED KINGS BOX
USA GOLD RED 100s SOFT PACK
USA GOLD RED 100s BOX
USA GOLD NON-FILTER KINGS SOFT PACK

EXHIBIT B

**COMMONWEALTH BRANDS, INC. SALES
Fiscal Year 2021**

Brand (SKU)	Total Units FY 21
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100S BOX	
CROWNS MENTHOL GREEN 100S BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100S BOX	
CROWNS MENTHOL DARK GREEN 100S BOX	
CROWNS	
FORTUNA BLUE FILTER KING SIZE BOX	
FORTUNA BLUE FILTER 100S BOX	
FORTUNA MENTHOL GREEN FILTER KING SIZE BOX	
FORTUNA MENTHOL GREEN FILTER 100S BOX	
FORTUNA RED FILTER KING SIZE BOX	
FORTUNA RED FILTER 100S BOX	
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE BOX	
FORTUNA MENTHOL FILTER DARK GREEN 100S BOX	
FORTUNA PALE BLUE FILTER KING SIZE BOX	
FORTUNA PALE BLUE FILTER 100S BOX	
FORTUNA	
MONTCLAIR MENTHOL GOLD FILTER 100S BOX	
MONTCLAIR SILVER FILTER 100S BOX	
MONTCLAIR BLUE FILTER 100S BOX	
MONTCLAIR BLACK FILTER 100S BOX	
MONTCLAIR BLACK KING SIZE BOX	
MONTCLAIR BLUE KING SIZE BOX	
MONTCLAIR MENTHOL DARK GREEN 100S BOX	
MONTCLAIR MENTHOL DARK GREEN KING SIZE BOX	
MONTCLAIR	
RAVE GOLD KINGS BOX	
RAVE GOLD 100S BOX	
RAVE RED KINGS BOX	
RAVE RED 100S BOX	
RAVE MENTHOL DARK GREEN KINGS BOX	
RAVE MENTHOL DARK GREEN 100S BOX	
RAVE	
SONOMA GOLD FILTER KING SIZE BOX	
SONOMA GOLD FILTER 100S SOFT PACK	
SONOMA GOLD FILTER 100S BOX	

SONOMA BLUE FILTER 100S BOX
SONOMA BLUE FILTER 100S SOFT PACK
SONOMA MENTHOL GREEN FILTER KING SIZE BOX
SONOMA MENTHOL GREEN FILTER 100S SOFT PACK
SONOMA MENTHOL GREEN FILTER 100S BOX
SONOMA RED FILTER KING SIZE BOX
SONOMA RED FILTER 100S SOFT PACK
SONOMA RED FILTER 100S BOX
SONOMA MENTHOL DARK GREEN FILTER KINGS SIZE BOX
SONOMA MENTHOL DARK GREEN FILTER 100S SOFT PACK
SONOMA MENTHOL DARK GREEN FILTER 100S BOX
SONOMA NON-FILTER KING SIZE SOFT PACK
SONOMA
USA GOLD MENTHOL FILTER KING SIZE SOFT PACK (DARK GREEN PACKAGING)
USA GOLD MENTHOL FILTER KING SIZE BOX (DARK GREEN PACKAGING)
USA GOLD MENTHOL FILTER 100S SOFT PACK (DARK GREEN PACKAGING)
USA GOLD MENTHOL FILTER 100S BOX (DARK GREEN PACKAGING)
USA GOLD MENTHOL GOLD FILTER KING SIZE SOFT PACK
USA GOLD MENTHOL GOLD FILTER 100S SOFT PACK
USA GOLD MENTHOL GOLD FILTER 100S BOX
USA GOLD GOLD FILTER KING SIZE SOFT PACK
USA GOLD GOLD KING SIZE BOX
USA GOLD GOLD FILTER 100S SOFT PACK
USA GOLD GOLD FILTER 100S BOX
USA GOLD BLUE FILTER KING SIZE SOFT PACK
USA GOLD BLUE FILTER KING SIZE BOX
USA GOLD BLUE FILTER 100S SOFT PACK
USA GOLD BLUE FILTER 100S BOX
USA GOLD RED FILTER KING SIZE SOFT PACK
USA GOLD RED FILTER KING SIZE BOX
USA GOLD RED FILTER 100S SOFT PACK
USA GOLD RED FILTER 100S BOX
USA GOLD NON-FILTER KING SIZE SOFT PACK
USA GOLD
TOTAL

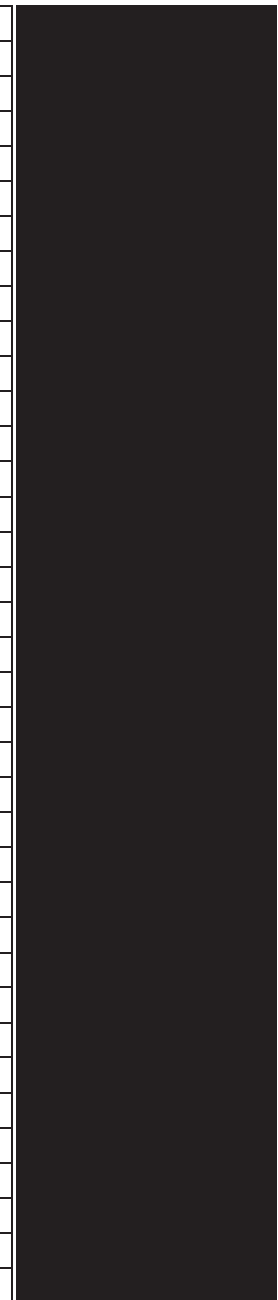


EXHIBIT C

COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN

QUARTER IN WHICH
MATERIALS ARE
PRODUCED

WARNING NOTICE UTILIZED

BRAND

USA GOLD

SONOMA

MONTCLAIR

1st Q (Jan – Mar)
2nd Q (Apr. – June)
3rd Q (July – Sept.)
4th Q (Oct. – Dec.)

A
B
C
D

C
D
A
B

D
A
B
C

FORTUNA

CROWNS

1st Q (Jan – Mar)
2nd Q (Apr. – June)
3rd Q (July – Sept.)
4th Q (Oct. – Dec.)

A
B
C
D

C
D
A
B

RAVE

1st Q (Jan – Mar)
2nd Q (Apr. – June)
3rd Q (July – Sept.)
4th Q (Oct. – Dec.)

B
C
D
A

MULTIPLE BRANDS/
NON-BRAND SPECIFIC

1st Q (Jan – Mar)
2nd Q (Apr. – June)
3rd Q (July – Sept.)
4th Q (Oct. – Dec.)

A
B
C
D

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



Commonwealth
B R A N D S, I N C.

March 4, 2022

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

**RE: COMMONWEALTH BRANDS, INC.
2022 CIGARETTE QUARTERLY WARNING LABEL ROTATION PLANS FOR
SONOMA RED BOX AND SONOMA RED BOX 100s**

Dear Ms. Viswanathan:

Commonwealth Brands, Inc. (“Commonwealth Brands” or the “Company”), 714 Green Valley Road, Greensboro, NC 27408, hereby submits two 2022 Cigarette Quarterly Warning Label Rotation plans for the following Sonoma brand styles: Sonoma Red Box and Sonoma Red Box 100s (the “Sonoma Styles”). As noted in Commonwealth Brands’ warning rotation plan submission dated February 8, 2022, for its other cigarette brand styles, sales for the Sonoma Styles during fiscal year 2021 were unexpectedly slightly in excess of the threshold below which an exemption applies to the requirement for quarterly rotation of the required health warning statements.

At present the Sonoma Styles, like the Company’s other brand styles, are required to have the four health warnings (the “health warnings”), specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the “Cigarette Labeling Act”), appear an equal number of times during the relevant twelve (12) month period. In order to accomplish this the Company uses an eight-sided metal printing cylinder that displays each of the required health warnings two times. As packaging progresses through the manufacturing line, the health warning is printed onto the packaging and the cylinder rotates to the next side (and health warning) before printing the next package. In order to begin printing these two brand styles with only one of the health warnings on a quarterly rotation basis the Company will have to order new printing cylinders that have the same health warning on each side. The Company anticipates that it will take several months to order and receive such cylinders.

As a result, beginning on July 1, 2022, and continuing until further notice, the Company proposes to transition the Sonoma Styles to the following quarterly rotation plan:

1st Q (Jan – Mar) C - SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

- 2nd Q (Apr. – June)** **D** - SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.
- 3rd Q (July – Sept.)** **A** - SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- 4th Q (Oct. – Dec.)** **B** - SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

From the date of approval of this plan until July 1, 2022, the Company proposes to continue its prior practice of insuring that the four health warnings appear an equal number of times on the packs and cartons of each of the Sonoma styles. To date the four health warnings have been equalized.

This letter requests approval of the quarterly health warning rotation plan for the Sonoma Styles described above beginning on July 1, 2022. Commonwealth Brands will maintain records which document compliance with the quarterly rotation plan.

The health warnings will appear exactly as shown on the samples provided with the Company's letter of February 2018.

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

Sonoma - The January 31, 2002 plan for advertising and the February 13, 2008 plan for advertising which included a plan for display of the health warnings in internet advertising.

Commonwealth Brands' advertising rotation plan for these Sonoma Styles is attached as **Exhibit A**.

This letter will also confirm that Commonwealth Brands has no Spanish language advertising with regard to these brand styles and no plans to implement same.

If you require any additional information, please contact me.

Sincerely,



Geraldine Bowen Barker
Associate General Counsel
714 Green Valley Road
Greensboro, NC 27408
Phone: 336-335-7260
Geraldine.bowen@itgbrands.com

Attachments: Exhibit A

EXHIBIT A

COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN

QUARTER IN WHICH
MATERIALS ARE
PRINTED

WARNING NOTICE UTILIZED

SONOMA

1 st Q (Jan – Mar)	C
2 nd Q (Apr. – June)	D
3 rd Q (July – Sept.)	A
4 th Q (Oct. – Dec.)	B

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

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

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

D -- SURGEON GENERAL’S WARNING: Cigarette Smoke Contains Carbon Monoxide.



Division of
Advertising Practices

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

March 10, 2022

Geraldine Bowen Barker, Esq.
Commonwealth Brands, Inc.
714 Green Valley Road
Greensboro, NC 27408

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated March 4, 2022, which constitute a plan filed by Commonwealth Brands, Inc. (“Commonwealth”), calling for (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Red Kings Box and Red 100’s Box varieties of the Sonoma brand.

Commonwealth’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Red Kings Box and Red 100’s Box varieties of the Sonoma brand, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date(s)</u>
Crowns	February 28, 2018
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018

¹ Commonwealth stated in its March 4, 2022 letters that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Geraldine Bowen Barker, Esq.

March 10, 2022

Page 2

<u>Brand</u>	<u>Date(s)</u>
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

Accordingly, Commonwealth’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **March 9, 2023, or until new health warnings required under the TCA take effect, whichever comes first:**²

- Six varieties of the Crowns brand: Red Kings Box, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's Box (tan packaging), Menthol Dark Green 100's Box, and Menthol Green 100's Box;
- Ten varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), and Menthol Green 100's Box (blue/green packaging);
- Eight varieties of the Montclair brand: Black Kings Box, Black 100's Box, Blue Kings Box, Blue 100's Box, Silver 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, and Menthol Gold 100's Box;
- Six varieties of the Rave brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Dark Green Kings Box, and Menthol Dark Green 100's Box;
- Thirteen varieties of the Sonoma brand: Red 100's soft pack, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue 100's Box (blue/gray packaging), Blue 100's soft pack (blue/gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Dark Green 100's soft pack, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack; and

² We note that Commonwealth is using colors in the names of many of its cigarette varieties (e.g., Crowns Red Kings Box) and, except as specified below, the color used for a variety’s packaging does conform to the color used in its name. We also note that for many of Commonwealth’s varieties neither the color names nor the word “menthol” are printed on the packaging.

Geraldine Bowen Barker, Esq.

March 10, 2022

Page 3

- Twenty varieties of the USA Gold 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 Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 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), and Non-filter Kings soft pack.

In addition, Commonwealth's plan for quarterly rotation of the four health warnings on packaging for the Red Kings Box and Red 100's Box varieties of the Sonoma brand, beginning on July 1, 2022, is also approved. Commonwealth will continue to equalize the warnings on those varieties until such time.

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

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

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

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

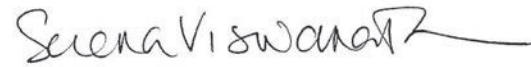
Geraldine Bowen Barker, Esq.

March 10, 2022

Page 4

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 "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director

KBIC TOBACCO COMPANY, LLC

16429 Bear Town Road, Baraga MI 49908
FAX: (906) 353.7540

PH: (906) 353.6623

March 1, 2022

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Heron & Sands Cigarettes: Renewal

Dear Ms. Viswanathan:

Please consider this letter our request for annual compliance.

Our plan requests approval for the simultaneous display of the four Surgeon General's warnings on packaging for the Heron and Sands cigarettes. Our Heron and Sands plan was originally submitted to the Federal Trade Commission on March 6, 2018 and was approved on March 8, 2018.

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

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

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

Crimson 100's Box

Crimson King Size Box

No. 33 Black Red 100's Box
No. 33 Black Gold 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

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
February 18, 2022
PAGE 2

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

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

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter on January 23, 2018 and approved March 8, 2018.

KBIC Tobacco Company LLC's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported and manufactured for our 2021 fiscal year (October 1, 2020 – September 30, 2021) are set out in Exhibit A. All warning rotational warning labels for all brand and styles have been equalized to date. Our estimated sales for the 2022 fiscal year (October 1, 2021 – September 30, 2022) are set out in Exhibit B. KBIC Tobacco Company LLC will import the King styles of the Heron and Sands cigarettes and will manufacture the 100's styles. No other brands will be imported or manufactured.

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 and Sands cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan.

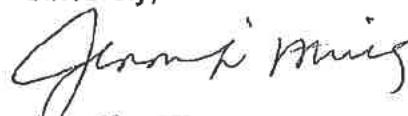
FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
February 18, 2022
PAGE 3

To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Heron and Sands brands an equal number of times throughout the plan year, raw material packaging inventory of the 100's and Kings style will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. KBIC Tobacco Company LLC has an agreement with the manufacturer of the King styles of the Heron and Sands brands that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, KBIC Tobacco Company LLC will place an order of the specific warning label(s) that need to be equalized. KBIC Tobacco Company LLC will maintain records of compliance with the approved plan.

At this point in time, KBIC Tobacco Company LLC does not intend to advertise. We will submit a plan for approval before engaging in any advertising.

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

Sincerely,



Jennifer Misegan
Board Chair

Exhibit A

Fiscal Year 10/1/2020 - 9/30/2021 - ACTUALS

Description	Total Sticks Sold
Heron Black No. 33 Gold 100 Box-Case	
Heron Black No. 33 Gold King Box-Case	
Heron Black No. 33 Menthol 100 Box-Case	
Heron Black No. 33 Menthol King Box-Case	
Heron Black No. 33 Red 100 Box-Case	
Heron Black No. 33 Red King Box-Case	
Heron Crimson 100 Box-Case	
Heron Crimson King Box-Case	
Heron Gold 100 Box-Case	
Heron Gold King Box-Case	
Heron Menthol 100 Box-Case	
Heron Menthol Gold 100 Box-Case	
Heron Menthol Gold King Box-Case	
Heron Menthol King Box-Case	
Heron Red 100 Box-Case	
Heron Red King Box-Case	
Heron Silver 100 Box-Case	
Heron Silver King Box-Case	
Sands Gold 100 Box-Case	
Sands Gold King Box-Case	
Sands Menthol 100 Box-Case	
Sands Menthol Blue 100 Box-Case	
Sands Menthol Blue King Box-Case	
Sands Menthol King Box-Case	
Sands Red 100 Box-Case	
Sands Red King Box-Case	
Sands Silver 100 Box-Case	
Sands Silver King Box-Case	
Grand Total	

Exhibit B

Fiscal Year 10/1/2021- 9/30/2022 - ESTIMATED SALES

Description	Total ESTIMATED Stick Sales
Heron Black No. 33 Gold 100 Box-Case	
Heron Black No. 33 Gold King Box-Case	
Heron Black No. 33 Menthol 100 Box-Case	
Heron Black No. 33 Menthol King Box-Case	
Heron Black No. 33 Red 100 Box-Case	
Heron Black No. 33 Red King Box-Case	
Heron Crimson 100 Box-Case	
Heron Crimson King Box-Case	
Heron Gold 100 Box-Case	
Heron Gold King Box-Case	
Heron Menthol 100 Box-Case	
Heron Menthol Gold 100 Box-Case	
Heron Menthol Gold King Box-Case	
Heron Menthol King Box-Case	
Heron Red 100 Box-Case	
Heron Red King Box-Case	
Heron Silver 100 Box-Case	
Heron Silver King Box-Case	
Sands Gold 100 Box-Case	
Sands Gold King Box-Case	
Sands Menthol 100 Box-Case	
Sands Menthol Blue 100 Box-Case	
Sands Menthol Blue King Box-Case	
Sands Menthol King Box-Case	
Sands Red 100 Box-Case	
Sands Red King Box-Case	
Sands Silver 100 Box-Case	
Sands Silver King Box-Case	
Grand Total	



Division of
Advertising Practices

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

March 10, 2022

Ms. Jennifer Misegan
KBIC Tobacco Company, LLC
16429 Bear Town Road
Baraga, MI 49908

Dear Ms. Misegan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by KBIC Tobacco Company, LLC (“KBIC”) on March 1, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron and Sands brands of cigarettes.

KBIC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 23, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eighteen Box varieties of the Heron brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), Menthol Gold (King and 100’s), Crimson (King and 100’s), No. 33 Black Red (King and 100’s), No. 33 Black Gold (King and 100’s), and No. 33 Black Menthol (King and 100’s); and
- Ten Box varieties of the Sands brand: Red (King and 100’s), Gold (King and 100’s), Silver (King and 100’s), Menthol (King and 100’s), and Menthol Blue (King and 100’s).

¹ KBIC stated in its March 1, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 23, 2018.

Ms. Jennifer Misegan

March 10, 2022

Page 2

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

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

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

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

This approval is effective on the date of this letter and runs through March 9, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

March 9, 2022

Serena Viswanathan
Assistant Director
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Viswanathan:

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for packaging of Mustang brand of cigarettes, Stallion brand of cigarettes, Rainier brand of cigarettes, dis Count brand of cigarettes and Nations Best brand of cigarettes.

Mustang Cigarette brand will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Tisha Thompson d/b/a Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the Mustang brand.

Mustang Cigarettes are manufactured in the following variety of styles:

1. Mustang Full Flavor 100's Hard Box
2. Mustang Smooth 100's Hard Box
3. Mustang Menthol 100's Hard Box
4. Mustang Menthol Smooth 100's Hard Box
5. Mustang Ultra Smooth 100's Hard Box
6. Mustang Full Flavor King Size Hard Box
7. Mustang Smooth King Size Hard Box
8. Mustang Menthol King Size Hard Box
9. Mustang Menthol Smooth King Size Hard Box
10. Mustang Ultra Smooth King Size Hard Box

Mustang Cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Mustang brand of cigarettes for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of each of the four warning labels are printed on every shipment of packs and cartons that Jacobs orders.



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

The warnings on the Mustang brand styles will appear exactly as shown on the samples provided on November 6, 2020

Stallion cigarette brand will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the Stallion brand.

Stallion Cigarettes are manufactured in the following variety of styles:

1. Stallion Red 100's Hard Box
2. Stallion Gold 100's Hard Box
3. Stallion Menthol 100's Hard Box
4. Stallion Menthol Gold 100's Hard Box
5. Stallion Silver 100's Hard Box
6. Stallion Red King Size Hard Box
7. Stallion Gold King Size Hard Box
8. Stallion Menthol King Size Hard Box
9. Stallion Menthol Gold King Size Hard Box
10. Stallion Silver King Size Hard Box

Stallion cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Stallion brand of cigarettes for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of each of the four warning labels are printed on every shipment of packs and cartons that Jacobs orders.

The warnings on Stallion brand styles will appear exactly as shown on the samples provided on July 15, 2021 and September 30, 2021

Rainier cigarette brand will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the Rainier brand.



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Rainier Cigarettes are manufactured in the following variety of styles:

1. Rainier Red 100's Hard Box
2. Rainier Gold 100's Hard Box
3. Rainier Menthol 100's Hard Box
4. Rainier Menthol Gold 100's Hard Box
5. Rainier Blue 100's Hard Box
6. Rainier Red King Size Hard Box
7. Rainier Gold King Size Hard Box
8. Rainier Menthol King Size Hard Box
9. Rainier Menthol Gold King Size Hard Box
10. Rainier Blue King Size Hard Box

Rainier cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Rainier brand of cigarettes for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of each of the four warning labels are printed on every shipment of packs and cartons that Jacobs orders.

The warnings on Rainier brand styles will appear exactly as shown on the samples provided on July 15, 2021 .

dis COUNT cigarette brand will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the dis COUNT brand.

dis COUNT Cigarettes are manufactured in the following variety of styles:

1. dis COUNT Full Flavor 100's Hard Box
2. dis COUNT Gold 100's Hard Box
3. dis COUNT Menthol 100's Hard Box
4. dis COUNT Full Flavor King Size Hard Box
5. dis COUNT Gold King Size Hard Box
6. dis COUNT Menthol King Size Hard Box



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

dis COUNT cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the disCount brand of cigarettes for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of each of the four warning labels are printed on every shipment of packs and cartons that Jacobs orders.

The warnings on dis COUNT brand styles will appear exactly as shown on the samples provided on July 15, 2021

Nations Best cigarette brand will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the Nations Best brand.

Nations Best Cigarettes are manufactured in the following variety of styles:

1. Nations Best Full Flavor 100's Hard Box
2. Nations Best Gold 100's Hard Box
3. Nations Best Menthol 100's Hard Box
4. Nations Best Full Flavor King Size Hard Box
5. Nations Best Gold King Size Hard Box
6. Nations Best Menthol King Size Hard Box

Nations Best cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Nations Best brand of cigarettes for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of each of the four warning labels are printed on every shipment of packs and cartons that Jacobs orders.

The warnings on Nations Best brand styles will appear exactly as shown on the samples provided on July 15, 2021

Sales figures for the previous fiscal year for all brand styles manufactured by Jacobs Tobacco are set out below.

Jacobs Tobacco Company does not import any cigarettes.



JACOBS TOBACCO COMPANY

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Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Mustang Gold King Size Hard Box	
Mustang Red King Size Hard Box	
Mustang Menthol Gold 100's Hard Box	
Mustang Menthol 100's Hard Box	
Mustang Silver 100's Hard Box	
Mustang Silver King Hard Box	
Mustang Gold 100's Hard Box	
Mustang Menthol King Size Hard Box	
Mustang Menthol Gold King Size Hard Box	
Mustang Full Flavor 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Yakama Menthol Gold 100's Hard Box	
Yakama Menthol 100's Hard Box	
Yakama Silver 100's Hard Box	
Yakama Gold 100's Hard Box	
Yakama Full Flavor 100's Hard Box	
Yakama Menthol Gold King Size Hard Box	
Yakama Menthol King Size Hard Box	
Yakama Silver King Size Hard Box	
Yakama Gold King Size Hard Box	
Yakama Full Flavor King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Stallion Menthol Gold 100's Hard Box	
Stallion Menthol 100's Hard Box	
Stallion Gold 100's Hard Box	
Stallion Gold King Size Hard Box	
Stallion Red King Size Hard Box	
Stallion Menthol King Size Hard Box	
Stallion Red 100's Hard Box	
Stallion Silver King Hard Box	
Stallion Silver 100's Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Stallion Menthol Gold King Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Rainier Blue King Size Hard Box	
Rainier Blue 100's Hard Box	
Rainier Gold King Size Hard Box	
Rainier Menthol Gold King Size Hard Box	
Rainier Gold 100's Hard Box	
Rainier Full Flavor 100's Hard Box	
Rainier Full Flavor King Size Hard Box	
Rainier Menthol Gold 100's Hard Box	
Rainier Menthol King Size Hard Box	
Rainier Menthol 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Valor Full Flavor King Size Hard Box	
Valor Smooth King Size Hard Box	
Valor Ultra Smooth King Size Hard Box	
Valor Menthol King Size Hard Box	
Valor Menthol Smooth King Size Hard Box	
Valor Full Flavor 100's Hard Box	
Valor Smooth 100's Hard Box	
Valor Ultra Smooth 100's Hard Box	
Valor Menthol 100's Hard Box	
Valor Menthol Smooth 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
NATIONS BEST 100'S Full Flavor Hard Box	
NATIONS BEST 100'S Gold Hard Box	
NATIONS BEST 100's Menthol Hard Box	
NATIONS BEST Full Flavor King Size Hard Box	
NATIONS BEST Gold King Size Hard Box	
NATIONS BEST Menthol King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Bronco Red 100's Hard Box	
Bronco Gold 100's Hard Box	
Bronco Silver 100's Hard Box	
Bronco Menthol 100's Hard Box	
Bronco Menthol Gold 100's Hard Box	
Bronco Red King Size Hard Box	
Bronco Gold King Size Hard Box	
Bronco Silver King Size Hard Box	
Bronco Menthol King Size Hard Box	
Bronco Menthol Gold King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
dis COUNT 100's Full Flavor Hard Box	
dis COUNT 100's Gold Hard Box	
dis COUNT 100's Menthol Hard Box	
dis COUNT Full Flavor King Size Hard Box	
dis COUNT Gold King Size Hard Box	
dis COUNT Menthol King Size Hard Box	

The above contains all sales from Jan. 2021 through Dec. 31,2021

Sales of Yakama brand have been discontinued and Jacobs Tobacco Company will not sell Yakama prior to receiving approval from FTC.

Jacobs Tobacco Company is aware of the requirements set forth by the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Jacobs Tobacco Company will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me. Jacobs Tobacco Company certifies that it will not advertise the Mustang Brand, Stallion Brand, Rainier Brand, , dis COUNT Brand and/or Nations Best Brand without first submitting a plan and receiving approval from FTC.



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Schedule A

Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Mustang Gold King Size Hard Box	
Mustang Red King Size Hard Box	
Mustang Menthol Gold 100's Hard Box	
Mustang Menthol 100's Hard Box	
Mustang Silver 100's Hard Box	
Mustang Silver King Hard Box	
Mustang Gold 100's Hard Box	
Mustang Menthol King Size Hard Box	
Mustang Menthol Gold King Size Hard Box	
Mustang Full Flavor 100's Hard Box	
Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Stallion Menthol Gold 100's Hard Box	
Stallion Menthol 100's Hard Box	
Stallion Gold 100's Hard Box	
Stallion Gold King Size Hard Box	
Stallion Red King Size Hard Box	
Stallion Menthol King Size Hard Box	
Stallion Red 100's Hard Box	
Stallion Silver King Hard Box	
Stallion Silver 100's Hard Box	
Stallion Menthol Gold King Hard Box	
Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Rainier Blue King Size Hard Box	
Rainier Blue 100's Hard Box	
Rainier Gold King Size Hard Box	
Rainier Menthol Gold King Size Hard Box	
Rainier Gold 100's Hard Box	
Rainier Full Flavor 100's Hard Box	
Rainier Full Flavor King Size Hard Box	
Rainier Menthol Gold 100's Hard Box	



JACOBS TOBACCO COMPANY

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Rainier Menthol King Size Hard Box	
Rainier Menthol 100's Hard Box	
Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Valor Full Flavor King Size Hard Box	
Valor Smooth King Size Hard Box	
Valor Ultra Smooth King Size Hard Box	
Valor Menthol King Size Hard Box	
Valor Menthol Smooth King Size Hard Box	
Valor Full Flavor 100's Hard Box	
Valor Smooth 100's Hard Box	
Valor Ultra Smooth 100's Hard Box	
Valor Menthol 100's Hard Box	
Valor Menthol Smooth 100's Hard Box	
Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
NATIONS BEST 100'S Full Flavor Hard Box	
NATIONS BEST 100'S Gold Hard Box	
NATIONS BEST 100's Menthol Hard Box	
NATIONS BEST Full Flavor King Size Hard Box	
NATIONS BEST Gold King Size Hard Box	
NATIONS BEST Menthol King Size Hard Box	
Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Bronco Red 100's Hard Box	
Bronco Gold 100's Hard Box	
Bronco Silver 100's Hard Box	
Bronco Menthol 100's Hard Box	
Bronco Menthol Gold 100's Hard Box	
Bronco Red King Size Hard Box	
Bronco Gold King Size Hard Box	
Bronco Silver King Size Hard Box	
Bronco Menthol King Size Hard Box	
Bronco Menthol Gold King Size Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
dis COUNT 100's Full Flavor Hard Box	
dis COUNT 100's Gold Hard Box	
dis COUNT 100's Menthol Hard Box	
dis COUNT Full Flavor King Size Hard Box	
dis COUNT Gold King Size Hard Box	
dis COUNT Menthol King Size Hard Box	

Sincerely, -

Tisha A. Thompson d/ba of Jacobs Tobacco Company
And Sole Proprietor



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

March 9, 2022

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Viswanathan

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for packaging and internet advertising of Bronco and Valor. Tisha Thompson d/b/a Jacobs Tobacco Company requests approval for the following varieties of the Bronco and Valor cigarette brands which will be manufactured by Jacobs Tobacco Company. Upon approval of this plan, Jacobs Tobacco Company intends to manufacture these cigarettes under the authority of the Department of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15047) and Jacobs Tobacco intends to sell the Bronco and Valor brands.

Bronco Cigarettes are manufactured in the following variety of styles:

- Bronco Red 100's Hard Box
- Bronco Gold 100's Hard Box
- Bronco Menthol 100's Hard Box
- Bronco Menthol Gold 100's Hard Box
- Bronco Silver 100's Hard Box
- Bronco Red King Size Hard Box
- Bronco Gold King Size Hard Box
- Bronco Menthol King Size Hard Box
- Bronco Menthol Gold King Size Hard Box
- Bronco Silver King Size Hard Box

Valor Cigarettes are manufactured in the following variety of styles:

- Valor Full Flavor 100's Hard Box
- Valor Smooth 100's Hard Box
- Valor Menthol 100's Hard Box
- Valor Menthol Smooth 100's Hard Box
- Valor Ultra Smooth 100's Hard Box
- Valor Full Flavor King Size Hard Box
- Valor Smooth King Size Hard Box
- Valor Menthol King Size Hard Box
- Valor Menthol Smooth King Size Hard Box
- Valor Ultra Smooth King Size Hard Box



JACOBS TOBACCO COMPANY

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The Bronco and the Valor cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). Jacobs Tobacco Company will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Bronco and Valor brand for the one-year period beginning on the date of approval of this plan. Jacobs will work closely with the packaging supplier to ensure that an equal number of warning labels are printed on the packs and cartons. We have attached Schedule A showing sales figures for the previous fiscal year for all brand styles manufactured by Jacobs Tobacco. Schedule B, as an estimate for our annual production volume by style for fiscal year 2022 for Bronco and Valor. The warnings on the Bronco and Valor brand styles will appear exactly as shown on the samples provided with our letters dated Nov. 6, 2020 and July 15, 2021.

We intend to advertise Bronco and Valor over the internet. In internet advertising, the warnings will be displayed in an unavoidable manner on every webpage, where it may be viewed without scrolling and shall not be accessed through hyperlinks, pop-ups, interstitials, or other similar means.

We will use the warning formats that were submitted with the 1985 plans of the 5 leading U.S. cigarette manufactures, and the size of the warnings shall be proportionate to those warning formats.

In advertisements for multiple brands of cigarettes, or for no specific brands of cigarettes, the Warnings shall be rotated according to the schedule set out for Bronco cigarettes. Attached to this letter are sample web pages showing the placements of the warnings to our website.

Jacobs Tobacco Company uses the calendar year for its fiscal year.

Jacobs Tobacco Company is aware of the requirements in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Jacobs Tobacco Company will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

The warnings will be rotated quarterly for Bronco and Valor according to the schedule set out below.



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

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

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

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

Schedule A

Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Mustang Gold King Size Hard Box	
Mustang Red King Size Hard Box	
Mustang Menthol Gold 100's Hard Box	
Mustang Menthol 100's Hard Box	
Mustang Silver 100's Hard Box	
Mustang Silver King Hard Box	
Mustang Gold 100's Hard Box	
Mustang Menthol King Size Hard Box	
Mustang Menthol Gold King Size Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Mustang Full Flavor 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Yakama Menthol Gold 100's Hard Box	
Yakama Menthol 100's Hard Box	
Yakama Silver 100's Hard Box	
Yakama Gold 100's Hard Box	
Yakama Full Flavor 100's Hard Box	
Yakama Menthol Gold King Size Hard Box	
Yakama Menthol King Size Hard Box	
Yakama Silver King Size Hard Box	
Yakama Gold King Size Hard Box	
Yakama Full Flavor King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Stallion Menthol Gold 100's Hard Box	
Stallion Menthol 100's Hard Box	
Stallion Gold 100's Hard Box	
Stallion Gold King Size Hard Box	
Stallion Red King Size Hard Box	
Stallion Menthol King Size Hard Box	
Stallion Red 100's Hard Box	
Stallion Silver King Hard Box	
Stallion Silver 100's Hard Box	
Stallion Menthol Gold King Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Rainier Blue King Size Hard Box	
Rainier Blue 100's Hard Box	
Rainier Gold King Size Hard Box	
Rainier Menthol Gold King Size Hard Box	
Rainier Gold 100's Hard Box	
Rainier Full Flavor 100's Hard Box	
Rainier Full Flavor King Size Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Rainier Menthol Gold 100's Hard Box	
Rainier Menthol King Size Hard Box	
Rainier Menthol 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Valor Full Flavor King Size Hard Box	
Valor Smooth King Size Hard Box	
Valor Ultra Smooth King Size Hard Box	
Valor Menthol King Size Hard Box	
Valor Menthol Smooth King Size Hard Box	
Valor Full Flavor 100's Hard Box	
Valor Smooth 100's Hard Box	
Valor Ultra Smooth 100's Hard Box	
Valor Menthol 100's Hard Box	
Valor Menthol Smooth 100's Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
NATIONS BEST 100'S Full Flavor Hard Box	
NATIONS BEST 100'S Gold Hard Box	
NATIONS BEST 100's Menthol Hard Box	
NATIONS BEST Full Flavor King Size Hard Box	
NATIONS BEST Gold King Size Hard Box	
NATIONS BEST Menthol King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
Bronco Red 100's Hard Box	
Bronco Gold 100's Hard Box	
Bronco Silver 100's Hard Box	
Bronco Menthol 100's Hard Box	
Bronco Menthol Gold 100's Hard Box	
Bronco Red King Size Hard Box	
Bronco Gold King Size Hard Box	
Bronco Silver King Size Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Bronco Menthol King Size Hard Box	
Bronco Menthol Gold King Size Hard Box	
Sales figures in stick count. Jan 2021- Dec 2021	Sticks
dis COUNT 100's Full Flavor Hard Box	
dis COUNT 100's Gold Hard Box	
dis COUNT 100's Menthol Hard Box	
dis COUNT Full Flavor King Size Hard Box	
dis COUNT Gold King Size Hard Box	
dis COUNT Menthol King Size Hard Box	

Schedule B

Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Bronco Red 100's Hard Box	
Bronco Gold 100's Hard Box	
Bronco Silver 100's Hard Box	
Bronco Menthol 100's Hard Box	
Bronco Menthol Gold 100's Hard Box	
Bronco Red King Size Hard Box	
Bronco Gold King Size Hard Box	
Bronco Silver King Size Hard Box	
Bronco Menthol King Size Hard Box	
Bronco Menthol Gold King Size Hard Box	

Forecast annual 1/1/2022 - 12/31/2022 Production Volume	Sticks
Valor Full Flavor King Size Hard Box	
Valor Smooth King Size Hard Box	
Valor Ultra Smooth King Size Hard Box	
Valor Menthol King Size Hard Box	
Valor Menthol Smooth King Size Hard Box	



JACOBS TOBACCO COMPANY

"Striving for excellence by providing the highest quality tobacco products and the best in customer service."

Valor Full Flavor 100's Hard Box	
Valor Smooth 100's Hard Box	
Valor Ultra Smooth 100's Hard Box	
Valor Menthol 100's Hard Box	
Valor Menthol Smooth 100's Hard Box	

Sincerely,

Tisha A. Thompson d/b/a Jacobs
Tobacco Company and Sole Proprietor

Selected packaging samples from those
submitted with the plan.

CLASS A
• 20 •
CIGARETTES

GIEL YORK TOBACCO
CORP.
www.broncocigarettes.com
MADE IN U.S.A.
TP-NY-15047



PREMIUM BLENDED TOBACCO

BRONCO®

MENTHOL GOLD

100's BOX

PREMIUM BLENDED TOBACCO



100's

BRONCO®

100's BOX

MENTHOL GOLD

BRONCO®

UNDERAGE
SALE
PROHIBITED

BRONCO®

100's



HINGE-TOP BOX™

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

JT-00708
LC

952106
16

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



BRONCOCO[®]

LED
GE
BOX[™] c

BRONCOCO[®]

KING BOX



PREMIUM BLENDED TOBACCO

BRONCOCO[®]



GIEL YORK TOBACCO CORP.

www.broncocigarettes.com

MADE IN U.S.A.

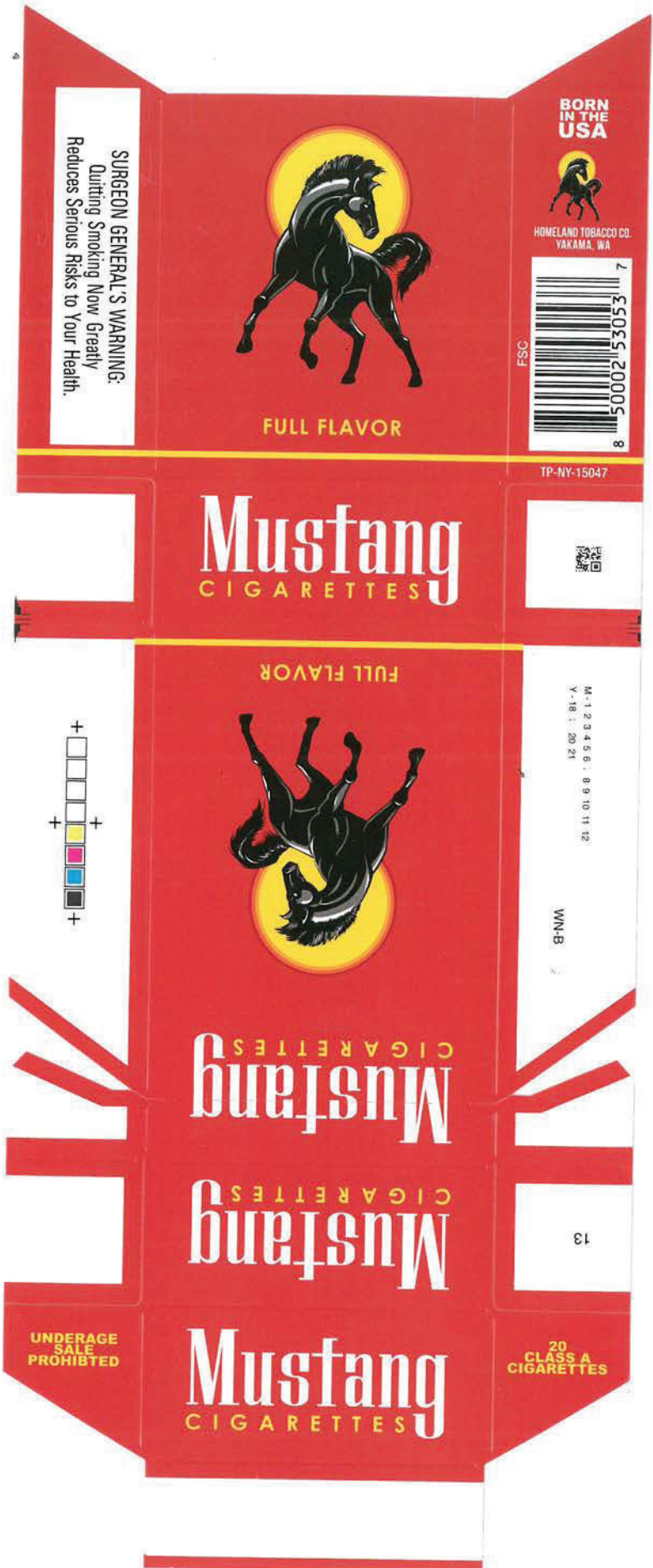
CLASS A
•200•
CIGARETTES

TP-NY-15047



PREMIUM BLENDED TOBACCO

V O O N I T M



Mustang
CIGARETTES
KING SIZE

Mustang
CIGARETTES
KING SIZE ♦ 200 CLASS A CIGARETTES
FULL FLAVOR



HOMELAND TOBACCO CO.
YAKAMA, WA 98952
BORN
IN THE
USA

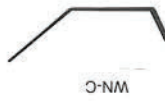
SURGEON GENERAL'S WARNING: Smoking By
Pregnant Women May Result in Fetal Injury,
Premature Birth, And Low Birth Weight.

HOMELAND TOBACCO COMPANY

FULL FLAVOR
200 CLASS A CIGARETTES
KING SIZE

Mustang
CIGARETTES

FULL FLAVOR
♦ 200 CLASS A CIGARETTES
KING SIZE



STALLION[®]



MADE IN U.S.A.
TP-NY-15047

J.M. RIDGEWORTH INC.
www.stallioncigarette.com



Premium Filter Cigarettes

8 54133 00501 8 FSC

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

GOLD

STALLION[®]

KING HINGE-TOP BOX

051446 2

JT-00501 QS

Premium Filter Cigarettes



STALLION[®]



KING HINGE-TOP BOX

STALLION[®]

GOLD

UNDERAGE SALE PROHIBITED



CLASS A
20
CIGARETTES

HINGE-TOP BOX

STALLIONS

MENTHOL

Premium Filter Cigarettes

J.M. RIDGEWORTH INC.
www.stallioncigarette.com
TP-NY-15047



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

STALLION[®]

Premium Filter Cigarettes



CLASS A
200
CIGARETTES

Premium Filter Cigarettes

STALLION



Premium Filter Cigarettes

STALLION[®]

AGE SALE PROHIBITED



HINGE-TOP BOX



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



FSC



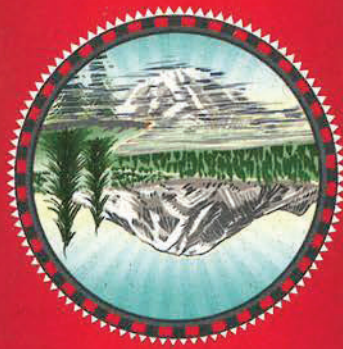
SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly
Reduces Serious Risks to Your Health.

RED
100'S

Rainier

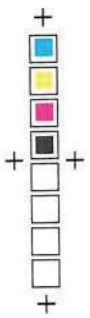


RED
100'S



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

WN - B



PREMIUM BLEND

Rainier

6

Rainier

**MADE
IN THE
USA**

**20
CLASS A
CIGARETTES**

Rainier

PREMIUM BLEND

Rainier

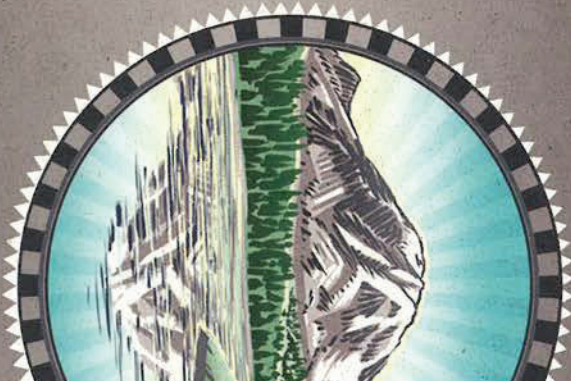
WN-D

Rainier

Rainier

GOLD
100'S

P R E M I U M B L E N D
200 CLASS A CIGARETTES ♦ FILTERED CIGARETTES

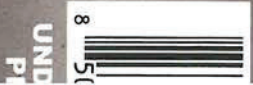


Made By Jacobs Tobacco Company
Akwesasne, NY Mohawk Territory
TP-NY-15047

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

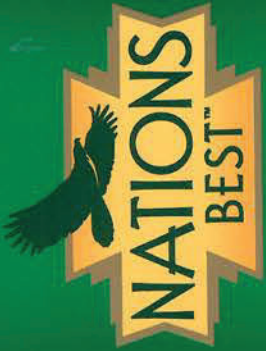
MADE IN THE USA
200 CLASS A CIGARETTES

Rainier



200 CLASS A CIGARETTES

Made by Jacobs
Tobacco Company
Akwesasne, NY
Mohawk Territory



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

MENTHOL 100'S

20 CLASS A CIGARETTES

NATIONS BEST™
MENTHOL 100'S

20 CLASS A CIGARETTES

MENTHOL 100'S



PREMIUM BLEND

NATIONS BEST™
MENTHOL 100'S

PREMIUM BLEND



WN-1
01241 FSC

CTP0911 12
#40538 113-05

UNDERAGE
SALES
PROHIBITED

Sale only allowed
in the
United States.

12

200 CLASS A CIGARETTES

PREMIUM
BLEND



FULL F
1

"Where Tradition

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

WN-2
01251FSC

NATIONS BEST™

FULL FLAVOR BOX 100's

UNDERAGE
SALES
PROHIBITED

Sale only allowed
in the United States

PULL FLAVOR BOX
100's

"Where Tradition Meets Flavor"

100's

FULL FLAVOR BOX



P
M

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

CTP0911 25
#40510 113-02

AMERICAN BLEND
20 CLASS A CIGARETTES

disCOUNT™
MENTHOL
AMERICAN BLEND

Sale only allowed in the United States

AMERICAN BLEND
20 CLASS A CIGARETTES

Made by Jacobs
Tobacco Company
Akwesasne, NY
Mohawk Territory



WN-4
01008FSC

25



disCOUNT™
MENTHOL
AMERICAN BLEND

UNDERAGE
SALES
PROHIBITED

disCOUNT™
MENTHOL

CLASS A
20
CIGARETTES

dis GOOUNT

GOLD 100'S
BOX

AMERICAN BLEND
200 CLASS A CIGARETTES

*"Quality Tobacco At A
Price You'll Love"*

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

Sale only allowed in the United States

dis GOOUNT

GOLD 100'S
BOX

AMERICAN BLEND

*"Quality Tobacco At A
Price You'll Love"*

AMERICAN BLEND
200 CLASS A CIGARETTES

WN-2
01257FSC

8

dis GOOUNT
GOLD 100'S
BOX
AMERICAN BLEND
200 CLASS A

VALOR

MADE IN USA



GC TOBACCO GROUP
www.valorcigarettes.com

TP-NY-15047 FSC 7

8 54632 00823

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

100's

100's


VALOR
SMOOTH

056406

11


JT-00823 QS

VALOR



VALOR
SMOOTH
100's

UNDERAGE SALE PROHIBITED



CLASSIC
20
CIGARETTES

100's

FLAVOR
FULL



www.valorcigarettes.com

CLASS 4
200
CIGARETTES

— ★ —
VALOR

— ★ —

VALOR



100's

FULL FLAVOR

— ★ —
VALOR

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

UNDERAGE SALE PROHIBITED

MADE IN USA
GC TOBACCO
GROUP
TP-NY-15047





Division of
Advertising Practices

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

March 17, 2022

Ms. Tisha A. Thompson
Jacobs Tobacco Company
344 Frogtown Road
Hogansburg, NY 13655

Dear Ms. Thompson:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated March 9, 2022, which constitute a plan filed by Jacobs Tobacco Company (“Jacobs”), calling for: (1) quarterly rotation of the four health warnings in Internet advertising for the Bronco and Valor brands of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronco, Valor, Mustang, Stallion, Rainier, “dis COUNT,” and Nations Best brands of cigarettes.

Jacobs’s plan for quarterly rotation of the four health warnings in Internet advertising for the Bronco and Valor 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 (Lawrence C. Keller at 202-598-2781) to determine whether such advertising on the Internet is permissible.

Jacobs’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated November 6, 2020, July 15, 2021, and September 30, 2021 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Jacobs stated in its March 9, 2022 letters that the four health warnings will appear exactly shown on the packs and cartons submitted on these dates.

Ms. Tisha A. Thompson

March 17, 2022

Page 2

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

- Ten box varieties of the Bronco brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's);
- Ten box varieties of the Valor brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), and Menthol Smooth (Kings and 100's);
- Ten box varieties of the Mustang brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), and Menthol Smooth (Kings and 100's);
- Ten box varieties of the Stallion brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's);
- Ten varieties of the Rainier brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol (Kings and 100's), and Menthol Gold (Kings and 100's);
- Six varieties of the "dis COUNT" brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's); and
- Six varieties of the Nations Best brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's).

This approval of Jacobs's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through March 16, 2023, or until new health warnings required under the TCA take effect, whichever comes first.

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

Please note that this letter only approves Jacobs's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or

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

Ms. Tisha A. Thompson

March 17, 2022

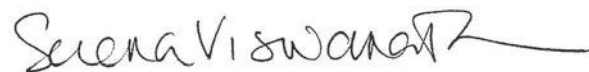
Page 3

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

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

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director

LAW OFFICES OF
BARRY M. BOREN

borenlaw@bellsouth.net

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

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

March 8, 2022

Sent via email: bmcgregor@ftc.gov

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

Attention: Ms. Bonnie McGregor

Renewal of Surgeon General's Health Warning Equalization Plan
for Everything Tobacco, LLC
for Seneca, Couture, Westport, and Opal Cigarettes

Dear Ms. Viswanathan:

Please be advised that we are the attorneys for an importer of tobacco products, Everything Tobacco, LLC ("ET"), a Florida limited liability company with offices located at 7351 NW 35th Street, Miami, Florida 33122. ET wishes to renew its existing Surgeon General's Health Warning Equalization Plan for the display of the health warnings on packaging for its Seneca, Couture, Westport, and Opal brands of cigarettes as required by 15 U.S.C. §1333(c)(1) for cigarettes they are importing into the United States. ET does not manufacture any cigarettes. The contact person for the company will continue to be its Manager, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305. This plan is being submitted pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*).

The brand styles of Seneca, Couture, Westport, and Opal cigarettes ET intends to import are listed in the attachment marked as Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Seneca, Couture and Opal brands ET is importing were enclosed with our submission of March 23, 2018. Actual production packs and cartons for the Westport brand styles (listed in Exhibit "A") which show exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on the individual packs and cartons ET is importing were enclosed with our submission of July 31, 2020. All the brand styles listed in Exhibit "A" have been equalized as of this date.

In fiscal year 2021¹, ET imported [REDACTED] Seneca brand cigarettes.

In fiscal year 2021, ET imported [REDACTED] Westport brand cigarettes.

ET neither imported nor manufactured any [REDACTED] cigarettes in 2021 and at the present time, it does not intend to import or manufacture any [REDACTED] cigarettes in 2022.

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

ET wishes to equalize the four health warning statements on all its Seneca, Couture, Westport, and Opal brands. Each of the four warning statements will appear on the packs and cartons of each brand style of the Seneca, Couture, Westport and Opal brands of cigarettes imported by ET an equal number of times in the one-year period beginning on the date this plan is approved.

The individual packs of Seneca, Couture, Westport, and Opal cigarettes to be imported by ET 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. ET will keep a running total of the number of cartons and packs it imports with each warning label for each brand style.

ET agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

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

ET does not plan to advertise Seneca, Couture, Westport, and Opal brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education Act

¹ ET's fiscal year coincides with the calendar year.

Renewal of Surgeon General's Health Warning Equalization Plan

Page 1

Smoking Education Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.

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

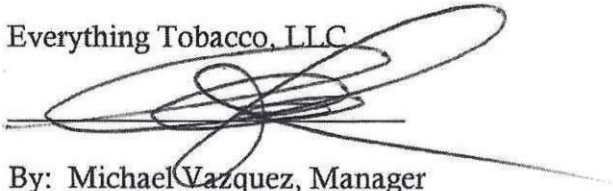
Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

Everything Tobacco, LLC



By: Michael Vazquez, Manager

EVERYTHING TOBACCO, LLC
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

Seneca Brand Styles

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

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

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

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

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

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

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

Westport Brand Styles

Westport Red 100 Box
Westport Blue 100 Box
Westport Sky Blue 100 Box
Westport Green 100 Box (Menthol)
Westport Bright Green 100 Box (Menthol)
Westport Red King Box
Westport Blue King Box
Westport Sky Blue King Box
Westport Green King Box (Menthol)
Westport Bright Green King Box (Menthol)

Couture Brand Styles

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

Opal Brand Styles

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



Division of
Advertising Practices

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

March 18, 2022

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Everything Tobacco, LLC (“ET”) dated March 8, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, Opal, and Westport brands of cigarettes.

ET’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 23, 2018 (for the Seneca, Couture, Opal brands) and July 31, 2020 (for the Westport brand) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Thirty-four varieties of the Seneca brand: Full Flavor hard pack (Kings and 100’s), Full Flavor soft pack (Kings and 100’s), Blue hard pack (Kings and 100’s), Blue soft pack (Kings and 100’s), Silver hard pack (Kings and 100’s), Silver soft pack (Kings and 100’s), Menthol hard pack (Kings and 100’s), Menthol soft pack (Kings and 100’s), Smooth Menthol hard pack (Kings and 100’s), Smooth Menthol soft pack (Kings and 100’s), Extra Smooth Menthol 100’s (hard pack and soft pack), Non-filter Full Flavor Kings hard pack, Full Flavor 120’s hard pack, Smooth 120’s hard pack, Ultra 120’s hard pack, Menthol 120’s hard pack, Smooth Menthol 120’s hard pack, Medium hard pack (Kings and 100’s), Chill Kings hard pack, Full Flavor 72’s hard pack, Blue 72’s hard pack, and Menthol 72’s hard pack;

¹ Everything Tobacco stated in its March 8, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Barry M. Boren, Esq.

March 18 2022

Page 2

- Six “Slims” king size hard pack varieties of the Couture brand: Ruby, Amethyst, Diamond, Aquamarine, Turquoise, and Sapphire;
- Five “Super Thins” 120’s hard pack varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol; and
- Ten box varieties of the Westport brand: Red (Kings & 100’s), Blue (Kings & 100’s), Sky Blue (Kings & 100’s), Green (Menthol) (Kings & 100’s), and Bright Green (Menthol) (Kings & 100’s).²

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

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

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

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

² As set forth in its March 8, 2020 letter, ET is using colors to identify its varieties of the Westport brand of cigarettes (*e.g.*, “Red 100 Box”). We note that the color names are not printed on the packaging (*e.g.*, the word “Red” does not appear on the packaging of the “Red 100 Box” variety); however, the color referenced in a variety’s name does conform to the color used in its packaging. We also note that the word “Menthol” is not printed on the packaging of the Green (Menthol) (Kings & 100’s) and Bright Green (Menthol) (Kings & 100’s) varieties.

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

Barry M. Boren, Esq.

March 18 2022

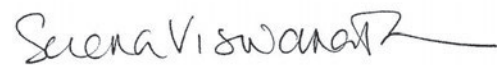
Page 3

www.fda.gov/TobaccoProducts/default.htm and sign up for FDA email updates at <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

This approval is effective on the date of this letter and runs through March 17, 2023 or until the new health warnings required under the TCA take effect, whichever comes first.

If you have any questions regarding this approval, please contact Kenny Chrzanowski at (202) 326-2127.

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director

X C A L I B E R

INTERNATIONAL LTD., LLC.

Eric B. Estes
General Counsel

Direct Dial: (918) 824-6641
Email: e.estes@xcaliberinternational.com

March 16, 2022

Via Federal Express – Overnight Delivery

Ms. Serena Viswanathan
Division of Advertising Practices
FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., N.W.
Mail Drop CC100528
Washington, D.C. 20580

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* – Brand Styles “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” “Royal,” and “Sport”

Dear Ms. Viswanathan:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”) 15 U.S.C. §§ 1331, *et seq.*, 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 (“FTC”) on March 23, 2021, for the packaging of the brand families “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” “Royal,” and “Sport,” (collectively as the “Brands”). Through the date of this application, the Surgeon General’s warnings on the Brand’s packaging have been equalized in accordance with the Act. All Brands and their styles are listed on **Attachment 1**. 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 on the packs and cartons enclosed with Xcaliber’s submissions, dated June 6, 2019, and March 12, 2021, and February 22, 2022. The 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 brand styles listed on **Attachment 1** for one year, beginning with the approval date of this plan. Through the date of this application, the Surgeon General’s warnings on the packs and cartons of each

Brand style of packaging have been equalized in accordance with the plan approved by the FTC.

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 each brand style of the Brands remains below the threshold under which the FTC may permit Xcaliber to display the four warnings an equal number of times during the year. Xcaliber's sales for the fiscal year ending December 31, 2021, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's total sales for fiscal year 2021 and the first month of fiscal year 2022. This schedule is provided as **Attachment 2.1** and **Attachment 2.2**, respectively.

Xcaliber requires its print suppliers to produce packaging with all four warnings in a single print run. The 100's-size soft pack labels are printed on a roll with an equal number of each warning within a 4-label space. The king size soft pack labels are printed using a press sheet with an equal number of each warning within a 32-label space. The king-size box labels are printed using a press sheet with an equal number of each warning within a 28-label space. The 100's size box labels are printed using a press sheet that has a 21-label space. Because one extra space is left on the 100's size box print runs, the extra space rotates between the four warnings an equal number of times throughout the year. For cartons, the press sheet has a 6-label space in which the extra two spaces rotate between two warnings every other run to yield an equal number of warnings throughout the year. Xcaliber's print supplier palletizes the print by hand such that all warnings are randomized equally throughout an order. Xcaliber's print supplier also provides an affidavit with each print run that states that the order has been processed according to these standards.

- c. Records of Compliance. Xcaliber maintains a record of the affidavits provided by its print supplier confirming the procedures outlined above. When each order arrives, a set of samples of each warning from each brand style is kept along with the affidavit in Xcaliber's records. Both the affidavits and samples are kept by Xcaliber for a minimum of one year beyond the date of receipt of the print order.

II. Advertising

Through the date of this application, Xcaliber continues to be in full compliance with the advertising plan approved by the FTC on July 27, 2016, and July 11, 2019. Xcaliber intends to submit a Spanish language advertising plan under separate cover.

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

Warmest Regards,



Eric B. Estes
General Counsel

Attachment 1. Current Brand Families and Styles.

The attachment is provided on the following pages.

24/7

Note: 24/7 is only available in a box.

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100

Red King
Gold King
Menthol King

BERKLEY

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Silver King
Menthol King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

BERLEY

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Non-Filter King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Blue King
Menthol King
Menthol Gold King

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
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
Silver 100
Menthol 100 (dark green pack)
Menthol Gold 100 (light green pack)

Red King
Gold King
Silver 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
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-Filtered King (dark red pack)

GOLDEN BLEND

Soft Pack

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Non-Filter King

Box

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100
Red King
Gold King

GSMOKE

Soft Pack

Blue 100
Menthol 100

Box

Red 100
Gold 100
Red King
Gold King

MAINSTREET

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

ROYAL

Note: Royal is only available in a box.

Red 100

Menthol 100

SPORT

Soft Pack

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

Box

Red 100
Gold 100
Blue 100
Menthol 100
Menthol Gold 100
Red King
Gold King
Menthol King

Attachment 2.1. 2021 Sales Data.

The attachment is provided on the following pages.

ATTACHMENT 2.1

Brands

Cases Shipped Cartons Shipped Packs Shipped Sticks Shipped

- 24/7 BOX 100 GOLD
- 24/7 BOX 100 MENTHOL
- 24/7 BOX 100 MENTHOL GOLD
- 24/7 BOX 100 RED
- 24/7 BOX 100 SILVER
- 24/7 BOX KING GOLD
- 24/7 BOX KING MENTHOL
- 24/7 BOX KING RED
- BERKLEY BOX 100 GOLD
- BERKLEY BOX 100 MENTHOL
- BERKLEY BOX 100 MENTHOL GOLD
- BERKLEY BOX 100 RED
- BERKLEY BOX 100 SILVER
- BERKLEY BOX KING GOLD
- BERKLEY BOX KING RED
- BERKLEY SP 100 GOLD
- BERKLEY SP 100 MENTHOL
- BERKLEY SP 100 MENTHOL GOLD
- BERKLEY SP 100 RED
- BERKLEY SP 100 SILVER
- BERKLEY SP KING GOLD
- BERKLEY SP KING MENTHOL
- BERKLEY SP KING NON FILTER
- BERKLEY SP KING RED
- BERKLEY SP KING SILVER
- BERLEY BOX 100 BLUE
- BERLEY BOX 100 GOLD
- BERLEY BOX 100 MENTHOL
- BERLEY BOX 100 MENTHOL GOLD
- BERLEY BOX 100 RED
- BERLEY BOX KING BLUE
- BERLEY BOX KING GOLD
- BERLEY BOX KING MENTHOL
- BERLEY BOX KING MENTHOL GOLD
- BERLEY BOX KING RED
- BERLEY SP 100 BLUE
- BERLEY SP 100 GOLD
- BERLEY SP 100 MENTHOL
- BERLEY SP 100 MENTHOL GOLD
- BERLEY SP 100 RED
- BERLEY SP KING BLUE
- BERLEY SP KING GOLD
- BERLEY SP KING NON FILTER
- BERLEY SP KING RED
- ECHO BOX 100 BLUE
- ECHO BOX 100 GOLD
- ECHO BOX 100 MENTHOL
- ECHO BOX 100 MENTHOL GOLD
- ECHO BOX 100 RED
- ECHO BOX KING BLUE



ECHO BOX KING GOLD
ECHO BOX KING MENTHOL
ECHO BOX KING MENTHOL GOLD
ECHO BOX KING NON FILTER
ECHO BOX KING RED
ECHO SP 100 BLUE
ECHO SP 100 GOLD
ECHO SP 100 MENTHOL
ECHO SP 100 MENTHOL GOLD
ECHO SP 100 RED
ECHO SP KING BLUE
ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL



GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE
MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL
MAIN STREET BOX 100 MENTHOL GOLD
MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE
MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL
MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
ROYAL BOX 100 MENTHOL
ROYAL BOX 100 RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED

Grand Total



Attachment 2.2. 2022 Sales Data.

The attachment is provided on the following pages.

ATTACHMENT 2.2

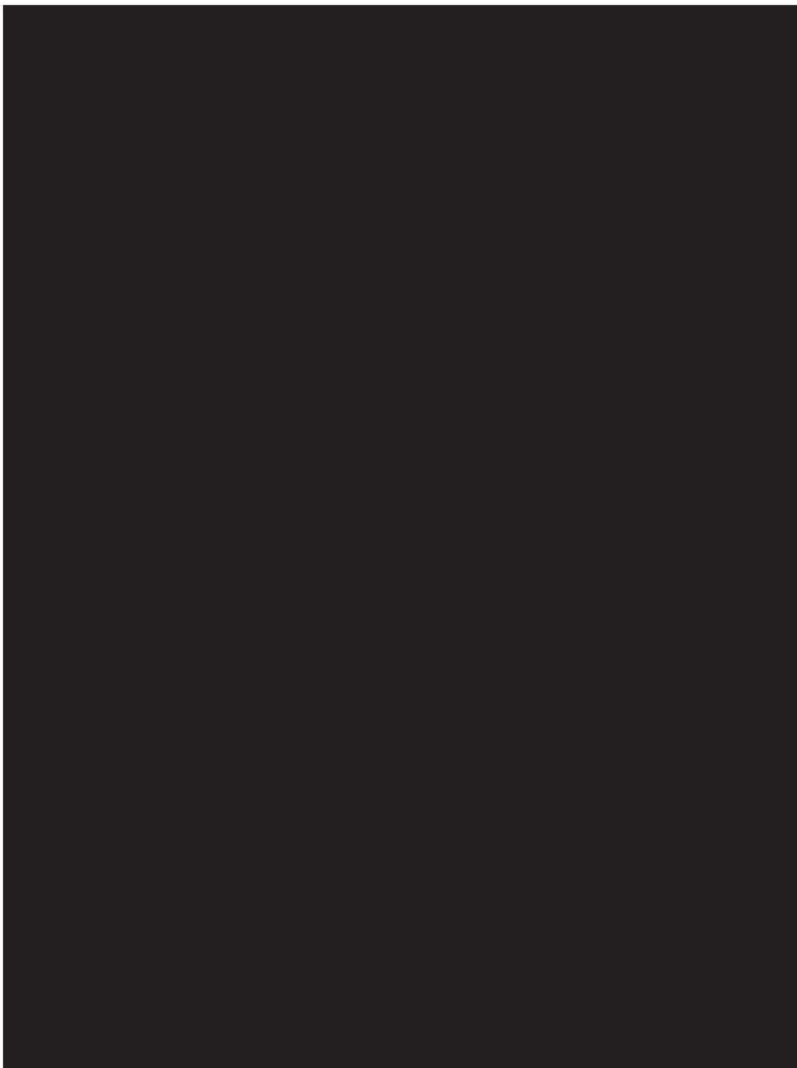
Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 MENTHOL GOLD				
BERKLEY BOX 100 RED				
BERKLEY BOX 100 SILVER				
BERKLEY BOX KING GOLD				
BERKLEY BOX KING RED				
BERKLEY SP 100 GOLD				
BERKLEY SP 100 MENTHOL				
BERKLEY SP 100 MENTHOL GOLD				
BERKLEY SP 100 RED				
BERKLEY SP 100 SILVER				
BERKLEY SP KING GOLD				
BERKLEY SP KING MENTHOL				
BERKLEY SP KING NON FILTER				
BERKLEY SP KING RED				
BERKLEY SP KING SILVER				
BERLEY BOX 100 BLUE				
BERLEY BOX 100 GOLD				
BERLEY BOX 100 MENTHOL				
BERLEY BOX 100 MENTHOL GOLD				
BERLEY BOX 100 RED				
BERLEY BOX KING BLUE				
BERLEY BOX KING GOLD				
BERLEY BOX KING MENTHOL				
BERLEY BOX KING MENTHOL GOLD				
BERLEY BOX KING RED				
BERLEY SP 100 BLUE				
BERLEY SP 100 GOLD				
BERLEY SP 100 MENTHOL				
BERLEY SP 100 MENTHOL GOLD				
BERLEY SP 100 RED				
BERLEY SP KING BLUE				
BERLEY SP KING GOLD				
BERLEY SP KING NON FILTER				
BERLEY SP KING RED				
ECHO BOX 100 BLUE				
ECHO BOX 100 GOLD				
ECHO BOX 100 MENTHOL				
ECHO BOX 100 MENTHOL GOLD				
ECHO BOX 100 RED				
ECHO BOX KING BLUE				
ECHO BOX KING GOLD				
ECHO BOX KING MENTHOL				
ECHO BOX KING MENTHOL GOLD				
ECHO BOX KING NON FILTER				
ECHO BOX KING RED				
ECHO SP 100 BLUE				

ECHO SP 100 GOLD
ECHO SP 100 MENTHOL
ECHO SP 100 MENTHOL GOLD
ECHO SP 100 RED
ECHO SP KING BLUE
ECHO SP KING GOLD
ECHO SP KING NON FILTER
ECHO SP KING RED
EDGEFIELD BOX 100 GOLD
EDGEFIELD BOX 100 MENTHOL
EDGEFIELD BOX 100 MENTHOL GOLD
EDGEFIELD BOX 100 RED
EDGEFIELD BOX 100 SILVER
EDGEFIELD BOX KING GOLD
EDGEFIELD BOX KING MENTHOL
EDGEFIELD BOX KING MENTHOL GOLD
EDGEFIELD BOX KING NON FILTER
EDGEFIELD BOX KING RED
EDGEFIELD BOX KING SILVER
EXETER BOX 100 BLUE
EXETER BOX 100 GOLD
EXETER BOX 100 MENTHOL
EXETER BOX 100 MENTHOL GOLD
EXETER BOX 100 RED
EXETER BOX KING BLUE
EXETER BOX KING GOLD
EXETER BOX KING MENTHOL
EXETER BOX KING MENTHOL GOLD
EXETER BOX KING NON FILTER
EXETER BOX KING RED
EXETER SP 100 BLUE
EXETER SP 100 GOLD
EXETER SP 100 MENTHOL
EXETER SP 100 MENTHOL GOLD
EXETER SP 100 RED
EXETER SP KING GOLD
EXETER SP KING NON FILTER
EXETER SP KING RED
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL GOLD
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 MENTHOL GOLD
GOLDEN BLEND SP 100 RED
GOLDEN BLEND SP 100 SILVER
GOLDEN BLEND SP KING NON FILTER
GOLDEN BLEND SP KING RED
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAIN STREET BOX 100 BLUE



MAIN STREET BOX 100 GOLD
MAIN STREET BOX 100 MENTHOL
MAIN STREET BOX 100 MENTHOL GOLD
MAIN STREET BOX 100 RED
MAIN STREET BOX KING GOLD
MAIN STREET BOX KING MENTHOL
MAIN STREET BOX KING RED
MAIN STREET SP 100 BLUE
MAIN STREET SP 100 GOLD
MAIN STREET SP 100 MENTHOL
MAIN STREET SP 100 MENTHOL GOLD
MAIN STREET SP 100 RED
MAIN STREET SP KING RED
ROYAL BOX 100 MENTHOL
ROYAL BOX 100 RED
SPORT BOX 100 BLUE
SPORT BOX 100 GOLD
SPORT BOX 100 MENTHOL
SPORT BOX 100 MENTHOL GOLD
SPORT BOX 100 RED
SPORT BOX KING GOLD
SPORT BOX KING MENTHOL
SPORT BOX KING RED
SPORT SP 100 BLUE
SPORT SP 100 GOLD
SPORT SP 100 MENTHOL
SPORT SP 100 MENTHOL GOLD
SPORT SP 100 RED
SPORT SP KING GOLD
SPORT SP KING MENTHOL
SPORT SP KING RED

Grand Total



Selected packaging samples from those
submitted with the plan.

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

MENTHOL GOLD
100'S BOX

24/7
MENTHOL GOLD

MANUFACTURED BY
XCALIBER INTERNATIONAL LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA

FSC



20 CLASS A CIGARETTES

10

24/7
MENTHOL GOLD
100'S BOX

20 CLASS A CIGARETTES

100'S BOX
MENTHOL GOLD
24/7

06-17-2021

2870-XCAL

100'S BOX
MENTHOL GOLD
24/7

UNDERAGE
SALE
PROHIBITED

24/7

®

RED

KING BOX

200 CLASS A CIGARETTES

**UNDERAGE
SALE
PROHIBITED**

24/7

RED

KING BOX

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



FSC

200 CLASS A CIGARETTES

KING BOX

RED

24/7

®

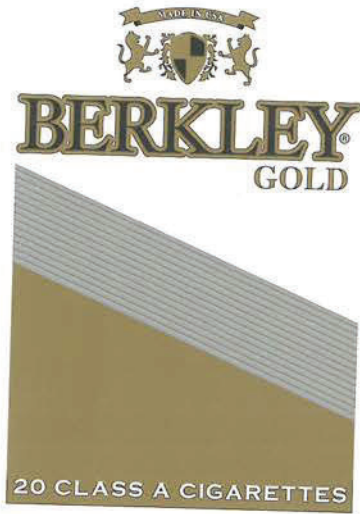
KING BOX

RED

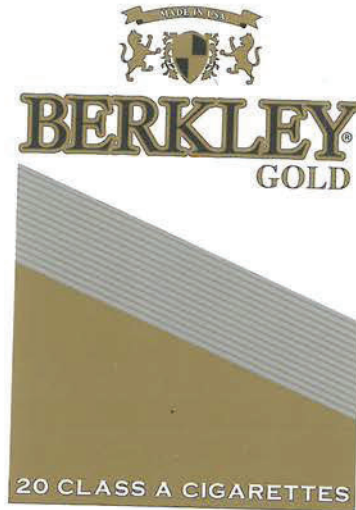
**MANUFACTURED BY
XCALIBUR INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA**

24/7

®



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



UNDERAGE
 SALE
 PROHIBITED

MANUFACTURED BY
 XCALIBER INTERNATIONAL,
 LTD.
 ONE TOBACCO ROAD
 PRYOR, OKLAHOMA 74361
 MADE IN USA

FSC



1705-XCAL
 09-05-2019

BERKLEY
 GOLD



200 CLASS A CIGARETTES

0 KINGS BOX

BERKLEY®

RED KINGS BOX

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

UNDERAGE
SALE
PROHIBITED

FSC



RED KINGS BOX

200 CLASS A CIGARETTES



BERKLEY

RED KINGS BOX

BERKLEY I®

XCALIBER INTERNATIONAL
ONE TOBACCO ROAD
PRYOR, OKLAHOMA
MADE IN US

BERKLEY

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 12/22/2023 OSCAR NO 609237 | PAGE Page 153 of 197 *-PUBLIC

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

BERLEY
BLUE 100'S



BLENDED TOASTED TOBACCOS

20 CLASS A CIGARETTES

BERLEY
BLUE 100'S

MANUFACTURED BY
XCALIBUR INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA



10

BERLEY
BLUE 100'S

20 CLASS A CIGARETTES

BLENDED TOASTED TOBACCOS



BERLEY
BLUE 100'S

1202-06-2021

2791-XCAL

BERLEY
BLUE 100'S

UNDERAGE
SALE
PROHIBITED



RED BULL

TM BLENDED TOASTED TOBACCOS

200 CLASS A CIGARETTES

UNDERAGE
SALE
PROHIBITED



RED BULL

RED
100'S

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

200 CLASS A CIGARETTES

TM

BLENDED TOASTED TOBACCOS

RED BULL

RED 100'S



RED BULL

MADE IN USA



Golden Blend

MANUFACTURED BY
XCALIBER INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA

FSC



6 85141 62400 3



Golden Blend
RED

20 CLASS A CIGARETTES

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

Golden Blend
RED

9

20 CLASS A CIGARETTES

RED

Golden Blend



06-01-2020

FILTER CIGARETTES

RED

Golden Blend

2185-XCAL

Underage
Sale
Prohibited

Please
Don't
Litter

FILTER CIGARETTES

200 CLASS A CIGARETTES

M

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 12/22/2023 OSCAR NO 609237 | PAGE Page 157 of 197 *-PUBLIC



UNDERAGE
SALE
PROHIBITED

Golden Blend™

SILVER 100'S BOX

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

200 CLASS A CIGARETTES

Golden Blend™

SILVER 100'S BOX

SILVER 100'S BOX

Golden Blend™

MADE IN USA

FACTURED BY
INTERNATIONAL, LTD.
OBACCO ROAD
OKLAHOMA 74361
MADE IN USA



200 CLASS A CIGARETTES

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

GSMOKE
MENTHOL 100'S

UNDERAGE
SALE
PROHIBITED



200 CLASS A CIGARETTES

GSMOKE

MENTHOL
100'S

GSMOKE

MENTHOL 100'S

MANUFACTURED BY
XCALIBER INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA



RED KINGS BOX

MANUFACTURED BY
X CALIBER INTERNATIONAL
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 743
MADE IN USA



RED
KINGS BOX

200 CLASS A CIGARET

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



UNDERAGE
SALE
PROHIBITED



200 CLASS A CIGARETTES



YOUR CIGARETTES

UNDERAGE
PROHIBITED

Sport[®]

BLUE 100'S



20 CLASS A CIGARETTES

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

Sport[®]

BLUE 100'S



20 CLASS A CIGARETTES

BLUE 100'S
Sport

MANUFACTURED BY
XCALIBER INTERNATIONAL,
LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA



BLUE 100'S

Sport

1705-XCAL
09-05-2019

KINGS



SPORTS

200 CLASS A CIGARETTES

RED KINGS



Sport[®]

UNDERAGE
SALE
PROHIBITED

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



200 CLASS A CIGARETTES



Sport[®]

RED
KINGS



Sport[®]

RED KINGS

MANUFACTURED BY
KALIBER INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PRYOR, OKLAHOMA 74361
MADE IN USA



Division of
Advertising Practices

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

March 18, 2022

Mr. Eric B. Estes
Xcaliber International, Ltd., LLC
One Tobacco Road
Pryor, OK 74361

Dear Mr. Estes:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC (“Xcaliber”) on March 16, 2022, 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, Berkley, Berley, Echo, Edgefield, Exeter, Golden Blend, Gsmoke, Mainstreet, Royal, and Sport brands of cigarettes.

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 letters dated June 6, 2019 (for the Royal brand), March 12, 2021 (for the Echo, Edgefield, and Exeter brands), and February 22, 2022 (for the 24/7, Berkley, Berley, Golden Blend, Gsmoke, Mainstreet, and Sport brands) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Xcaliber’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:²

- Eight box varieties of the 24/7 brand: Red 100’s, Gold 100’s, Silver 100’s, Menthol 100’s, Menthol Gold 100’s, Red Kings, Gold Kings, and Menthol Kings;
- Seventeen varieties of the Berkley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Silver

¹ Xcaliber stated in its March 16, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

² As set forth in its March 16, 2022 letter, Xcaliber is using colors in the names of certain varieties of the Echo, Edgefield, and Exeter brands (*e.g.*, “Echo Red 100's Box”). We note that

Mr. Eric B. Estes

March 18, 2022

Page 2

King Soft Pack, Silver 100's (Box and Soft Pack), Menthol King Soft Pack, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;

- Nineteen varieties of the Berley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold King Box, Menthol Gold 100's (Box and Soft Pack), Blue King (Box and Soft Pack), Blue 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Twenty 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 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (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;
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, 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;
- Nineteen 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 100's Box, Blue 100's Soft Pack, Menthol Kings Box (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 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;
- Fourteen varieties of the Golden Blend 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 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Six varieties of the Gsmoke brand: Red King Box, Red 100's Box, Gold King Box, Gold 100's Box, Blue 100's Soft Pack, and Menthol 100's Soft Pack;

the color names are not printed on the packaging for these brands (*e.g.*, the word “Red” does not appear on the packaging of the “Echo Red 100's Box” variety). However, 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.

Mr. Eric B. Estes

March 18, 2022

Page 3

- Fourteen varieties of the Mainstreet brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack);
- Two varieties of the Royal brand: Red 100's Box and Menthol 100's Box; and
- Sixteen varieties of the Sport brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King (Box and Soft Pack), Menthol 100's (Box and Soft Pack), and Menthol Gold 100's (Box 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.³ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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 ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

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

Mr. Eric B. Estes

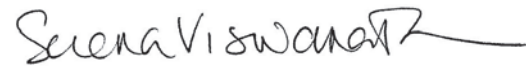
March 18, 2022

Page 4

This approval is effective on the date of this letter and runs through March 17, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a long, sweeping horizontal line.

Serena Viswanathan
Associate Director



March 29, 2022

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Viswanathan,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura. With this letter we seek to renew the annual rotation plan for these brands.

We have 11 styles of Cheyenne, all in hard box:

Cheyenne Red King's
Cheyenne Gold King's
Cheyenne Silver King's
Cheyenne Menthol King's
Cheyenne Menthol Silver King's
Cheyenne Non Filter King's
Cheyenne Red 100's
Cheyenne Gold 100's
Cheyenne Silver 100's
Cheyenne Menthol 100's
Cheyenne Menthol Silver 100's

In our submission of March 8, 2022 for the Cheyenne brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

701 S. Battleground Avenue
Grover, North Carolina 28073

We have 15 styles of Decade, all in hard box:

Decade Red King's
Decade Gold King's
Decade Silver King's
Decade Menthol King's
Decade Menthol Silver King's
Decade Red 100's
Decade Gold 100's
Decade Silver 100's
Decade Menthol 100's
Decade Menthol Silver 100's
Decade Platinum Red King's
Decade Platinum Gold King's
Decade Platinum Red 100's
Decade Platinum Gold 100's
Decade Platinum Menthol 100's

In our submission of March 8, 2022 for the Decade brand were samples of actual cartons and packs displaying the four different required warnings for the following Decade styles:

Decade Red King's
Decade Gold King's
Decade Silver King's
Decade Menthol King's
Decade Menthol Silver King's
Decade Red 100's
Decade Gold 100's
Decade Silver 100's
Decade Menthol 100's
Decade Menthol Silver 100's

The warnings will appear exactly as shown on those samples.

In our submission of March 8, 2018 for the Decade brand were samples of actual cartons and packs displaying the four different required warnings for the following Decade styles:

Decade Platinum Red King's
Decade Platinum Gold King's
Decade Platinum Red 100's
Decade Platinum Gold 100's
Decade Platinum Menthol 100's

The warnings will appear exactly as shown on those samples.

701 S. Battleground Avenue
Grover, North Carolina 28073

We have 4 styles of aura, all in hard box:

aura robust red King Box
aura radiant gold King Box
aura sky blue King Box
aura menthol glen King Box

In our submission of March 8, 2022 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

The Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one year period beginning on the date of the approval of this plan.

Included with this letter is Exhibit 1 that is a tabular statement of sales volume for all cigarettes we manufactured presenting the highest selling brand style in each brand family for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the highest selling style. We do not import any cigarette brands.

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

The Company is operating under the revised advertising plan filed by the Company on June 17, 2009 that was approved on June 23, 2009. The Company has made no changes to the approved plan.

If you have any questions, please do not hesitate to call me at (704) 937-7200.
We appreciate your attention to our plan submission.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with a large initial "D" and "S".

David A. Scott
Chief Financial Officer

CHEYENNE INTERNATIONAL, LLC
(all styles are hard pack, called "box")

Exhibit 7

Actual	Anticipated
Previous	Current
Fiscal	Rotation
Year (2021)	Plan Year

Brand	Cheyenne
Highest Selling Style	

Brand	Decade
Highest Selling Style	

Brand	aura
Highest Selling Style	



Total all brands, all styles [redacted]

Approximately [redacted] % of all cigarettes sold in the US in 2021

(Highest Brand Style ([redacted]) approximately [redacted] % of all cigarettes sold in USA)

Exhibit 7

Help Our Planet ~ Please Recycle

100% real

aura

menthol glen

aura

100% real

aura packaging is printed on environmentally conscious paper

aura

100% real

menthol glen

When purity and balance coexist, there is a harmony known as Aura.

We craft Aura to create a distinctive smoking experience that is:



When Fine Tobaccos Are Blended To Make Aura, Only Water Is Added. The Use Of This Blend DOES NOT Reduce The Health Risks Of Smoking. This Tobacco Blend DOES NOT Mean A Safer Cigarette.

100% real

aura

menthol glen

20 CLASSIC CIGARETTES



menthol glen

Underage Sale Prohibited

10/14/2021

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

Manufactured by:
Cherry Grove, NC 28073
©2010 Chryseme International, LLC.
www.auracigarettes.com
SALE ONLY ALLOWED





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



robust red
 100% real
 aura
 PACKS OF 20
 A CIGARETTES

+ □ □ □ □ □ □ +
 +

1

Cheyenne
PREMIUM

PREMIUM

GOLD

**20 CLASS A
CIGARETTES**

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

Cheyenne
PREMIUM

PREMIUM

GOLD BOX

W 10

CIGARETTES
20 CLASS A

GOLD

PREMIUM

Cheyenne

MADE IN THE U.S.A.

10/18/2021

Cheyenne
PREMIUM
GOLD BOX

UNDERAGE
SALE
PROHIBITED

MADE IN THE U.S.A.

Cheyenne
PREMIUM

MANUFACTURED BY:

CHEYENNE INTERNATIONAL, LLC
GROVER, NC 28073

©2010 Cheyenne International, LLC.



FSC



Cheyenne
PREMIUM
NON FILTER BOX
MADE IN U.S.A.



Cheyenne
PREMIUM
NON FILTER BOX

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

Cheyenne
PREMIUM
NON FILTER BOX

UNDERAGE SALE PROHIBITED



w 4

8/17/2021



+ □ □ □ □ □ □ □ □ +
+ □ □ □ □ □ □ □ □ +

DECADE

RED

**20 CLASS A
CIGARETTES**

DECADE

RED BOX

**20 CLASS A
CIGARETTES**

RED

DECADE

MADE IN USA

DECADE

RED BOX

MADE IN USA

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

12/14/2021

UNDERAGE
SALE
PROHIBITED

DECADE

MANUFACTURED BY:

CHEYENNE INTERNATIONAL, LLC
GROVER, NC 28073

©2010 Cheyenne International, LLC



FSC

15



DECADE

10 PACKS OF 20

DECADE

SILVER 100's BOX

100's

10 PACKS OF 20 CLASS A CIGARETTES

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

DECADE

SILVER 100's BOX

UNDERAGE SALE PROHIBITED



10 PACKS OF 20 CLASS A CIGARETTES

100's

SILVER 100's BOX

DECADE

12/14/2021



w 4

DECADE



Division of
Advertising Practices

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

March 29, 2022

Mr. David A. Scott
Cheyenne International, LLC
701 S. Battleground Avenue
Grover, NC 28073

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cheyenne International, LLC (“Cheyenne”) on March 29, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 8, 2018 and March 8, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven box varieties of the Cheyenne brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, and Non-Filter Kings;
- Fifteen box varieties of the Decade brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings, Menthol 100's, Menthol Silver Kings, Menthol Silver 100's, Platinum Red Kings, Platinum Red 100's, Platinum Gold Kings, Platinum Gold 100's, and Platinum Menthol 100's; and
- Four box varieties of the aura brand: robust red Kings, radiant gold Kings, sky blue Kings, and menthol glen Kings.

¹ Cheyenne stated in its March 29, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. David A. Scott

March 29, 2022

Page 2

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

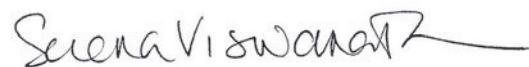
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through March 28, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

March 24, 2022

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

Re: Heron, Sands, Warrior and Palma Cigarettes Renewal

Dear Ms. Viswanathan:

Please consider this letter our request for annual compliance.

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

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

Heron Cigarettes -

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

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

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

Crimson 100's Box

Crimson King Size Box

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 24, 2022
PAGE 2

No. 33 Black Red 100's Box
No. 33 Black Gold 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

Sands Cigarettes

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

Warrior Cigarettes

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

Red King Size Box
Gold King Size Box
Menthol King Size Box

Palma Cigarettes

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

Red King Size Box
Gold King Size Box
Menthol King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples most recently provided to your office with our letters dated December 9, 2016, January 11, 2017, February 14, 2017, April 5, 2017, April 21, 2017, January 29, 2019 and March 6, 2019. Although some of the warnings submitted on December 9, 2016 and April 5, 2017 were not sufficiently clear and conspicuous, corrected samples were provided later.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for our 2021 fiscal year (calendar year ending December 31, 2021) are set out in Exhibit A. The anticipated 2022 sales are set out in Exhibit B. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes and manufactures all other brands and styles. Seneca Manufacturing Company manufactures all of the other styles of cigarettes noted above.

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
March 24, 2022
PAGE 3

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

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

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

Seneca Manufacturing Company has an agreement with the manufacturer of the Heron Non-Filter King style that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. This practice will be utilized for the styles that are imported and for those that Seneca Manufacturing Company manufactures.

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

Sincerely,

SENECA MANUFACTURING COMPANY

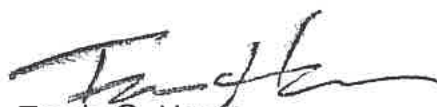

Travis G. Heron
Partner

EXHIBIT A Actual Sales 2021

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

EXHIBIT B Estimated Sales 2022

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



Division of
Advertising Practices

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

March 30, 2022

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on March 24, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Palma, Sands, and Warrior brands of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with 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.¹

<u>Brand</u>	<u>Date(s)</u>
Heron	December 9, 2016 January 11, 2017 April 5, 2017 April 21, 2017
Palma	January 29, 2019

¹ Although some of the warnings on the cartons submitted on December 9, 2016 and April 5, 2017 did not meet the size requirements of the Cigarette Act or were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Mr. Travis G. Heron

March 30, 2022

Page 2

<u>Brand</u>	<u>Date(s)</u>
Sands	December 9, 2016 February 14, 2017
Warrior	March 6, 2019

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

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

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

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

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

Mr. Travis G. Heron

March 30, 2022

Page 3

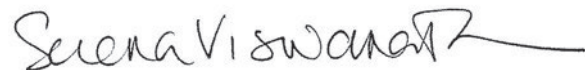
Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through March 29, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a stylized flourish.

Serena Viswanathan
Associate Director



Victoria Spier Evans
Vice President & General Counsel

Tel 919-990-3590
Fax 919-990-3505
vspierevans@lvbrands.com
(Admitted in DC and PA)

March 30, 2022

By FTC Secure Mail

Ms. Serena Viswanathan
Associate Director, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Code CC-5201
Washington, DC 20580

Re: Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved April 9, 2021

Dear Ms. Viswanathan:

Liggett Group LLC (“Liggett”) hereby applies for approval of its Label Statement Rotation Plan (“Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“Act”) for all brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except Blue 100s Box), and TOURNEY, that are included in the attached and that were included in our Plan approved by the FTC by letter dated April 9, 2021 and will expire on April 8, 2022.

PYRAMID Red 100s Box which is currently subject to quarterly warning rotation is now again eligible for simultaneous display of the four warnings required by the Act because – as set forth in greater detail in my enclosed affidavit – the gross unit volume of that style in 2021 was less than one-fourth of one percent of all cigarettes sold in the United States in calendar year 2021, and Liggett otherwise meets the Act’s requirements for simultaneous warning rotation. Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission (“FTC”) on September 19, 1985. This application is for a one-year period beginning on the date of approval of this application. Liggett requests renewal of the Plan with respect to all brand styles listed on Exhibit B except for the brand style PYRAMID Blue 100s Box which is subject to a

March 30, 2022

Page 2

separate plan approved by the FTC on December 28, 2021.

Through the date of this request, the Surgeon General's warnings on the packages for all of Liggett's brand styles that are approved for equalization have been equalized in accordance with the Plan. Liggett box packs are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

Enclosed with my letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2021). This information shows that Liggett's sales of none of its brand styles exceeded one-fourth of one percent of all cigarettes sold in the United States in 2021 and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

The warnings required by the Act will be printed on the packs and cartons of all brand styles for which renewal is requested an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the sample packaging submitted on September 19, 2017 and April 4, 2019 in connection with Liggett's Plan.

This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising. The information contained in the affidavit and exhibits is confidential and proprietary business information of Liggett. Liggett requests that this information be kept confidential by the FTC, pursuant to applicable rules and procedures.

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

Very truly yours,



Victoria Spier Evans

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF VICTORIA SPIER EVANS

Victoria Spier Evans, being first duly sworn, deposes and says:

1. I am Vice President & General Counsel of Liggett Group LLC (“Liggett”).

2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan (“Plan”) pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act (“Act”). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on April 9, 2021.

3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General’s Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett’s most recent fiscal year was calendar year 2021.

4. Attached to this affidavit as Exhibit A is a copy of “Total Cigarette Industry Shipment Volume Estimation, Results for January 2022,” published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2021. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.

5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2021 for all brand styles manufactured by Liggett. Exhibit B shows that all brand styles manufactured by Liggett had sales in 2021 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2021 were packaged into brand styles that had sales in 2021 of fewer than [REDACTED] cigarettes.

6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles qualify for simultaneous warning rotation.

Victoria Spier Evans
Victoria Spier Evans

Sworn to and subscribed before me,
this 30th day of March, 2022.

Kimberly Howe

Kimberly Howe
Notary Public, State of North Carolina
My commission expires: January 5, 2023

**Kimberly Howe
Notary Public
Orange County, NC**

EXHIBIT A

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

Results for January 2022



EXHIBIT B
Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
March 30, 2022

2021 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2021 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Box	
4	GRAND PRIX	Blue Kings Box	
5	GRAND PRIX	Blue 100s Box	
6	GRAND PRIX	Orange 100s Box	
7	GRAND PRIX	Menthol Gold Kings Box	
8	GRAND PRIX	Menthol Gold 100s Box	
9	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Box	
4	LIGGETT SELECT	Blue Kings Box	
5	LIGGETT SELECT	Blue 100s Box	
6	LIGGETT SELECT	Orange Kings Box	
7	LIGGETT SELECT	Orange 100s Box	
8	LIGGETT SELECT	Menthol Gold Kings Box	

EXHIBIT B
Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
March 30, 2022

2021 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2021 Units Sold
9	LIGGETT SELECT	Menthol Gold 100's Box	
10	LIGGETT SELECT	Menthol Silver Kings Box	
11	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Box	
4	TOURNEY	Gold Kings Box	
5	TOURNEY	Gold 100's Box	
6	TOURNEY	Menthol Full Flavor Kings Box	
7	TOURNEY	Menthol Full Flavor 100's Box	
8	TOURNEY	Menthol Gold Kings Box	
9	TOURNEY	Menthol Gold 100's Box	
10	TOURNEY	Slims Blue 120's Box	
11	TOURNEY	Slims Rose 120's Box	
12	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

March 31, 2022

Victoria Spier Evans
Liggett Group LLC
100 Maple Lane
Mebane, NC 27302

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC (“Liggett”) on March 30, 2022 calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes.

Liggett’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your September 19, 2017 and April 4, 2019 letters continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Liggett’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:²

- Seven Box varieties of the Bronson brand: Full Flavor (Kings and 100’s), Full Flavor Menthol Kings, Gold (Kings and 100’s), Silver Kings, and Gold Menthol Kings;
- Seven Box varieties of the Class A brand: Non-Filter Kings, Full Flavor 100’s, Filter Kings, Filter 100’s, Blue 100’s, Menthol Filter Kings, and Menthol Filter 100’s;

¹ Liggett stated in its March 30, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

² Liggett’s plan for quarterly rotation of the four health warnings on packaging for the Pyramid Blue 100’s Box variety was approved on December 28, 2021 and does not require annual approval.

Victoria Spier Evans

March 31, 2022

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- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Nine Box varieties of the Grand Prix brand: Non-Filter Classic Kings, Filter Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver 100's;
- Eleven Box varieties of the Liggett Select brand: Red (Kings and 100's), Blue (Kings and 100's), Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's), and Non-Filter Kings;
- Nine Box varieties of the Montego brand: Red (Kings and 100's), Blue (Kings and 100's), Orange 100's, Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's);
- Ten Box varieties of the Pyramid brand: Non-Filter Kings, Red (Kings and 100's), Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), and Menthol Silver (Kings and 100's); and
- Twelve Box varieties of the Tourney brand: Non-Filter Kings, Full Flavor (Kings and 100's), Gold (Kings and 100's), Menthol Full Flavor (Kings and 100's), Menthol Gold (Kings and 100's), Slims Rose 120's, Slims Blue 120's, and Slims Menthol Teal 120's.

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

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

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

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

Victoria Spier Evans

March 31, 2022

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

This approval is effective on the date of this letter and runs through March 30, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

SERENA VISWANATHAN Digitally signed by SERENA VISWANATHAN
Date: 2022.03.31 11:20:02 -0400

Serena Viswanathan
Associate Director