



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: October 5, 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 25, 2021 letter from Terri Albright, King Maker Marketing, Inc. to Division of Advertising Practices.
2. January 26, 2021 letter from Serena Viswanathan to Terri Albright, King Maker Marketing, Inc.
3. January 25, 2021 letter from Terri Albright, Premier Manufacturing, Inc. to Serena Viswanathan.
4. January 28, 2021 letter from Serena Viswanathan to Terri Albright, Premier Manufacturing, Inc.
5. January 21, 2021 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC, to Bonnie McGregor.
6. January 28, 2021 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
7. January 26, 2021 letter from Geraldine Bowen Barker, ITG Brands, LLC to Serena Viswanathan.
8. February 8, 2021 letter from Serena Viswanathan to Geraldine Bowen Barker, ITG Brands, LLC.

9. February 9, 2021 letter from Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC, to Serena Viswanathan.
10. February 18, 2021 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC.
11. February 9, 2021 letter from Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC, to Serena Viswanathan.
12. February 18, 2021 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC.
13. February 10, 2021 letter from Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc., to Serena Viswanathan.
14. February 18, 2021 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc.
15. March 2, 2021 letter from Varden Alumyan, Intertobac Inc. to Serena Viswanathan.
16. March 2, 2021 letter from Serena Viswanathan to Varden Alumyan, Intertobac Inc.
17. March 1, 2021 letter from David A. Scott, Cheyenne International, LLC to Serena Viswanathan .
18. March 5, 2021 letter from Serena Viswanathan to David A. Scott, Cheyenne International, LLC.
19. February 5, 2021 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Serena Viswanathan.
20. March 19, 2021 letter from Serena Viswanathan to Geraldine Bowen Barker, Commonwealth Brands, Inc.
21. March 19, 2021 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Serena Viswanathan.
22. March 23, 2021 letter from Serena Viswanathan to Eric B. Estes, Xcaliber International, Ltd., LLC.
23. March 26, 2021 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Serena Viswanathan.

24. March 29, 2021 letter from Serena Viswanathan to Jennifer Misegan, KBIC Tobacco Company, LLC.
25. March 29, 2021 letter from Juan Miguel (Mike) Araiza, Skookum Creek Tobacco Co., Inc. to Serena Viswanathan .
26. March 30, 2021 letter from Serena Viswanathan to Juan Miguel (Mike) Araiza, Skookum Creek Tobacco Co., Inc.



January 25, 2021

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 all varieties of the Wildhorse Brand, Ace Brand (US Farmers packaging) and Gold Crest (US Farmers packaging). The warnings will appear exactly as shown on the Ace and Gold Crest sample packs and cartons that were enclosed in our March 2, 2017 letter. 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, Ace Brand (US Farmers packaging) and Gold Crest Brand (US Farmers packaging) 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 brands have been equalized to date. The Brand Styles listed below are the only Brand Styles we will manufacture.

-Ten 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, Menthol Silver 100's Box, and Non-Filter King Box.

-Nine varieties of the Ace Brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings box;

(1)

-Nine varieties of the Gold Crest brand in "US Farmers" packaging: Red Kings box, Red 100's box, Yellow Kings Box, Yellow 100's Box, Blue 100's box, Menthol 10 Kings Box, Menthol 10 100's box, Menthol 94 100's box, and Non-Filter Kings 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 2020) 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,



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

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

Division of
Advertising Practices

January 26, 2021

Ms. Terri Albright
King Maker Marketing, 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 King Maker Marketing, Inc. (“King Maker”) on January 25, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Gold Crest, and Wildhorse brands 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 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>
Ace	March 2, 2017
Gold Crest	March 2, 2017
Wildhorse	October 26, 2017

¹ King Maker stated in its January 25, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

- Nine box varieties of the Ace brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings;
- Nine box varieties of the Gold Crest brand: Red Kings, Red 100's, Yellow Kings, Yellow 100's, Blue 100's, Menthol 10 Kings, Menthol 10 100's, Menthol 94 100's, and Non-Filter Kings; and
- Ten box varieties of the Wildhorse brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Green Kings, Menthol Green 100's, Silver Kings, Silver 100's, Menthol Silver 100's, and Non-Filter Kings.

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 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>.

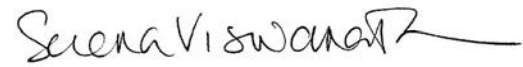
This approval is effective on the date of this letter and runs through January 25, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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. Terri Albright
January 26, 2021
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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



A USTC COMPANY

January 25, 2021

**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 2021

Dear Ms. Viswanathan:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on all 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 Premier manufacturers:

- **ten 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, Silver 100's Box and Non Filter King Box;**

(1)

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629 Capi 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.**
- **nine 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, Silver 100's Box and Non Filter King Box;**
- **nine 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, Silver 100's Box, and Non Filter Kings Box;**
- **eleven 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, Menthol Blue 100 Box and Non Filter King Box;**
- **nine 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, Menthol Silver 100 Box and 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 2020) 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)

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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,

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

Division of
Advertising Practices

January 28, 2021

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 25, 2021, 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:

- Eleven varieties of the 1839 brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Silver Box (Kings and 100’s), Menthol Green Box (Kings and 100’s), Menthol Blue Box (Kings and 100’s), and Non-Filter Kings Box;
- Nine varieties of the 1st Class Brand: Red Box (Kings and 100’s), Blue Box (Kings and 100’s), Menthol Green Box (Kings and 100’s), Menthol Silver 100’s Box, Silver 100’s Box, and Non-Filter Kings Box;

¹ Premier stated in its January 25, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

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>.

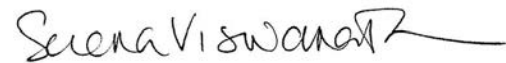
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Terri Albright
January 28, 2021
Page 3

This approval is effective on the date of this letter and runs through January 27, 2022 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" followed by a long, sweeping horizontal line.

Serena Viswanathan
Associate Director

January 21, 2021

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

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

**Re: Wind River Tobacco Company, LLC
American Bison (King) and Nashville Renewal**

Dear Ms. McGregor:

This renewal of the plan for the simultaneous display of health warnings on the packaging of the American Bison (king size varieties)¹ and Nashville brands of cigarettes (the "Plan") is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), located at 4792 Potato House Court, Wilson, NC 27893. WRT's Senior Vice President, Manufacturing Operations is Bennett Lee Welchons.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of six (6) American Bison (King) and ten (10) Nashville varieties of cigarettes was approved on January 29, 2020. WRT wishes to renew the Plan.

I. Background

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

¹ Throughout the remainder of this letter the American Bison brand cigarettes in the king size varieties shall be referred to as "American Bison (King)."

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 (King) and Nashville brands of cigarettes. WRT intends to manufacture the American Bison (King) brand of cigarettes in the six (6) varieties listed in Schedule A, attached hereto. WRT intends to manufacture the Nashville brand of cigarettes in the ten (10) varieties listed in Schedule A. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the American Bison (King) and Nashville brands of cigarettes for the varieties listed in Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of the renewal of this Plan (the “**Effective Date**”) the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the American Bison (King) and Nashville varieties 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 (King) and Nashville varieties it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of each of the six (6) American Bison (King) varieties and on each of the ten (10) Nashville varieties for the one-year period beginning on the Effective Date.

WRT's fiscal year for 2020 was the calendar year (January 1, 2020 to December 31, 2020). Please note that WRT also manufactures the American Bison brand of cigarettes in 100's varieties which brand and varieties are subject to a separate health warning display plan approved by the FTC and it manufactures the Teton brand of cigarettes which also is subject to a separate health warning display plan approved by the FTC. The American Bison 100's varieties and the Teton varieties also are listed in Schedule A.

The sales volume for any one variety of cigarettes manufactured or imported by WRT in fiscal and calendar year 2020, did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one variety 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 varieties listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing the American Bison (King) and Nashville cigarettes. The warning labels will appear on the packs and cartons of each of the king size varieties 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 cartons of all five (5) Nashville 100's varieties 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.

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

A handwritten signature in blue ink that reads "Craig A. Koenigs". The signature is written in a cursive style with a large initial "C".

Craig A. Koenigs

SCHEDULE A

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

<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</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)
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<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</u>
Nashville	Kings / Box	Red Gold Silver Green (Menthol) Black (Menthol)

	100's / Box	Red Gold Silver Green (Menthol) Black (Menthol)
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<u>Brand</u>	<u>Size / Packaging</u>	<u>Variety</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 28, 2021

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan submitted on behalf of Wind River Tobacco Company, LLC (“WRTC”) on January 21, 2021, 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, and September 24, 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, WRTC’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

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

¹ WRTC stated in its January 21, 2021 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 “American Bison Green (Menthol) Kings box” or “American Bison Dark Green (Menthol) Kings box” varieties.

³ As set forth in its January 21, 2021 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the “Nashville Green

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>.

This approval is effective on the date of this letter and runs through January 27, 2022 or until the new health warnings required under the TCA take effect, whichever comes first.

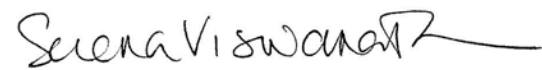
(Menthol) Kings box," "Nashville Black (Menthol) Kings box," "Nashville Green (Menthol) 100's box," and "Nashville Black (Menthol) 100's box" varieties (*e.g.*, the word "Green" does not appear on the packaging of the "Nashville Green (Menthol) Kings box" variety); however, for those varieties, the color 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 28, 2021
Page 3

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

Very truly yours,

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

Serena Viswanathan
Associate Director



January 26, 2021

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

RE: ITG Brands, LLC
Packaging Extensions for Kool and Salem Packs and Cartons

Dear Ms. Viswanathan:

ITG Brands, LLC ("ITG Brands") currently has approved plans to rotate the four health warnings on packaging for certain varieties of the Kool, Maverick, Salem and Winston cigarette brands. ITG Brands does not import or manufacture any other cigarette brands¹.

ITG Brands hereby requests approval of a plan revision to add quarterly rotation of the warnings on packs and cartons for new varieties of the Kool and Salem cigarette brands to its plan. Sample packs and cartons were provided on October 26, 2020 for your review and approval.

ITG wishes to add the following brand styles (pack and cartons) of the Kool and Salem brands to its plan:

1. Kool Blue Non Menthol Box 100s
2. Kool Blue Non Menthol Kings Box
3. Kool Non Menthol Super Longs Box 100s
4. Kool Non Menthol Kings Box
5. Salem Non Menthol Box 100s
6. Salem Non Menthol Kings Box
7. Salem Gold Non Menthol Box 100s
8. Salem Gold Non Menthol Kings Box
9. Salem Silver Non Menthol Box 100s

The new packs and cartons for the above brand extensions of Kool and Salem will be in addition to the Kool and Salem packs and cartons that are currently approved by the FTC. The four health warnings will appear on the above listed brand styles exactly as shown on the packaging samples provided on October 26, 2020. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

¹ ITG Brands currently contract manufactures Commonwealth Brands, Inc. cigarette brands.

The new packaging will not alter the quarterly rotation of the four health warnings under ITG Brands' previously approved plan for Kool and Salem (approval letter dated June 12, 2015) and ITG Brands will rotate the warnings quarterly on the above-referenced packs and cartons according to the rotation schedule in Exhibit A-1 of our June 11, 2015 plan. If approved, ITG Brands expects to begin utilizing the packs and cartons submitted with our letter of October 26, 2020 during the 1st calendar quarter of 2021. ITG Brands will continue to be in compliance with the previously approved June 11, 2015, December 21, 2015 and November 11, 2016 plans for advertising the Kool and Salem brands.

If you require any additional information, please contact me.

Sincerely,

Geraldine Bowen Barker

Associate General Counsel
714 Green Valley Road
Greensboro, NC 27408
Office Phone: 336-335-7260
Cell: 804-258-2961
Geraldine.barker@itgbrands.com

Selected packaging samples from those
submitted with the plan.

SALEM

100's

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

THESE CIGARETTES DO NOT PRESENT
A REDUCED RISK OF HARM COMPARED
TO OTHER CIGARETTES
ITG Brands, LLC
Greensboro, NC 27409 USA

FSC



0 905113 2

PREMIUM QUALITY

NON-MENTHOL

SALEM

100's

PREMIUM QUALITY

23



3005961
W/C

100's

SALEM



NON-MENTHOL

NON-MENTHOL

SALEM

100's

UNDERAGE SALE
PROHIBITED

NON-MENTHOL



CLASS A
20
CIGARETTES

SALEM



NON-MENTHOL



SALEM

SILVER 100'S
PREMIUM QUALITY

NON-MENTHOL



SALEM

SILVER 100'S
PREMIUM QUALITY



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

DP-7

SILVER 100'S
PREMIUM QUALITY

SALEM



FSC

KOOL
BLUE

KOOL

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All Rights Reserved

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



TRUE QUALITY

NON-MENTHOL

KOOL
BLUE

3005919	WN/A	AP-31

THESE CIGARETTES DO NOT PRESENT
A REDUCED RISK OF HARM COMPARED
TO OTHER CIGARETTES.

TRUE QUALITY



KOOL
BLUE

NON-MENTHOL

NON-MENTHOL
KOOL
BLUE



UNDERAGE SALE
PROHIBITED



NON-MENTHOL

NON-MENTHOL

KOOL

ER LONGS

ENTHOL

OL

LONGS

TR

100's

TRUE QUALITY

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



3005926
WN/D



SUPER LONGS

KOOL

KOOL

NON-MENTHOL

SUPER LONGS



Division of
Advertising Practices

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

February 8, 2021

Geraldine Bowen Barker, Esq.
ITG Brands, LLC
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, ITG Brands, LLC’s (“ITG”) June 11, 2015 plan for quarterly rotation of the four health warnings on packaging and in advertising for the Winston, Salem, Kool, and Maverick brands of cigarettes was approved on June 12, 2015. Subsequently, certain requests to modify your plan were approved.

By letter dated January 26, 2021, you now propose to expand your plan to include additional varieties of the Kool and Salem brands.

The warnings on the sample packs and cartons submitted with your October 26, 2020 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ ITG’s expansion of its plan for quarterly rotation of the four health warnings on packaging to include the following varieties is hereby approved effective on the date of this letter:

- Four Box varieties of the Kool brand: Blue Non Menthol 100’s, Blue Non Menthol Kings, Non Menthol Super Longs 100’s, and Non Menthol Kings; and
- Five Box varieties of the Salem brand: Non Menthol 100’s, Non Menthol Kings, Gold Non Menthol 100’s, Gold Non Menthol Kings, and Silver Non Menthol 100’s.

¹ ITG stated in its January 26, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on October 26, 2020.

Geraldine Bowen Barker, Esq.

February 8, 2021

Page 2


Approval of ITG'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.

Please note that this letter only approves ITG's expansion of its 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 ITG's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of ITG'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,



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.

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

February 9, 2021

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 renewal on May 23, 2018, for nineteen (19) previously- approved styles of Cherokee. Your office approved this plan on June 1, 2018.

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"). Scott D. Batson is President of both Cherokee and Firebird. 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.

In our fiscal year 2020, which is the same as the calendar year, our total sales of the CHEROKEE brand was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2020, and sales of none of the Cherokee brand style exceeded [REDACTED] sticks. . In fiscal year 2021, 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 approximately 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



Scott D. Batson
President



Division of
Advertising Practices

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

February 18, 2021

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 9, 2021, 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 9, 2021 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 18, 2021

Page 2

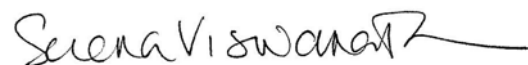
Please note that this letter only approves Cherokee's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings 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 17, 2022 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

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

February 9, 2021

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 September 9, 2019, for fifteen (15) previously- approved styles of Palmetto and a brand extension of its Plan for three (3) additional styles of Palmetto. Your office approved this plan on September 19, 2019.

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 its telephone number is 434-575-1118. Scott D. Batson is the President 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.

In Firebird's fiscal year 2020, 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 2020, and sales of none of Firebird's Palmetto brand style exceeded [REDACTED] sticks. In fiscal year 2021, 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 approximately 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



Scott Batson
President, Firebird Manufacturing, LLC



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

Division of
Advertising Practices

February 18, 2021

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 9, 2021, 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 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 9, 2021 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 18, 2021

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.

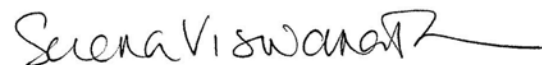
Please note that this letter only approves Firebird's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval 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 17, 2022 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

Paige S. Fitzgerald
paige.fitzgerald@troutman.com

February 10, 2021

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 runs through February 4, 2021.

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

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

The fiscal year for Great Swamp is the calendar year. During 2020, 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 2021 are projected to be no more than [REDACTED] sticks.

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 in February 5, 2020, as approved by the FTC on the same day; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated 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 2021, 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 faxed to 804.698.5114, or preferably 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.

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



Crissy Murphy
General Manager
Great Swamp Enterprises, Inc.



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

Division of
Advertising Practices

February 18, 2021

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 10, 2021, 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 10, 2021 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 10, 2021 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 18, 2021

Page 2

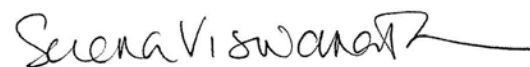
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings 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 17, 2022 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

INTERTOBAC INC27720 Avenue Scott, Ste#140
Valencia, CA 91355

T 818.859.7657

yardar@intertobac.com

March 2, 2021

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

Re: Proposed Plan for Health Warning Labels on Cigarettes

Dear Ms. Viswanathan:

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

1. **Treasurer Luxury White**, 90mm long, hardpeck and paper carton
2. **Treasurer Black**, 90mm long, aluminum pack and paper carton
3. **Treasurer Gold**, 90mm long, aluminum pack and paper carton
4. **Treasurer Silver**, 90mm long, aluminum pack and paper carton

Pursuant to Section 1333(c)(2) INTERTOBAC INC. seeks approval of its plan to display the four health warning statements an equal number of times on the packaging and cartons of the aforementioned brand styles of Treasurer brand of cigarettes for the one year period beginning on the date of the approval of this plan. INTERTOBAC INC.'s sales of cigarettes in the United States for the 2019 fiscal year was [REDACTED] sticks of cigarettes. INTERTOBAC INC.'s sales of cigarettes in the United States for the 2020 fiscal year was [REDACTED] sticks of cigarettes. We anticipate our sales of Treasurer brand of cigarettes for the 2021 fiscal year will be [REDACTED] sticks of cigarettes. Our fiscal year extends from January 1st through December 31st of each year. INTERTOBAC INC. does not intend to import or manufacture any other brand styles of cigarettes at this time.

Each shipment as imported, contains an equal number of each of the four warnings on the packs and cartons of each brand style of the Treasurer brand and each warning on each brand style will be used in equal amounts.

We will keep records demonstrating compliance with this plan.

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

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

INTERTOBAC Inc. will continue to comply with its previously approved plans for advertising.

Actual samples of cartons, total of 12 cartons, of **Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated June 20th, 2019.

Actual samples of 16 packs of **Treasurer Luxury White, Treasurer Black, Treasurer Gold and Treasurer Silver** brand styles of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated February 15, 2019.

Also, actual samples of cartons, total of 4 cartons, of **Treasurer Luxury White** brand style of cigarettes showing the four health warning statements exactly as they will appear were submitted with our letter dated December 27th, 2019.

Also, please note that we have a new address. Going forward please direct all correspondence to our new address at:

**Intertobac Inc.
27720 Avenue Scott
Ste# 140
Valencia, CA 91355**

Regards,



Vardan Alamyran
President,
INTERTOBAC INC



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

Division of
Advertising Practices

March 2, 2021

Mr. Vardan Alumyan
Intertobac Inc.
27720 Avenue Scott, Suite 140
Valencia, CA 91355

Dear Mr. Alumyan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Intertobac Inc. (“Intertobac”) on March 2, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Treasurer brand of cigarettes.

Intertobac’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 15, 2019, June 20, 2019, and December 27, 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, Intertobac’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following 90 mm varieties of the Treasurer brand: Black (aluminum pack), Gold (aluminum pack), Silver (aluminum pack), and Luxury White hard pack.

¹ Intertobac stated in its March 2, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates. Although the warnings on the sample cartons initially submitted were not adequate, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Mr. Vardan Alumyan

March 2, 2021

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.

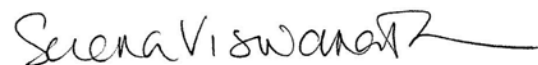
Please note that this letter only approves Intertobac's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Intertobac's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Intertobac'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 1, 2022 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

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.



March 1, 2021

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 10, 2016 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 10, 2016 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.

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 10, 2016 for the aura brand were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples.

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

Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand for all cigarettes we manufactured for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands. 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,



David A. Scott
Chief Financial Officer

701 S. Battleground Avenue
Grover, North Carolina 28073

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

Actual	Anticipated
Previous	Current
Fiscal	Rotation
Year (2020)	Plan Year

Brand	Cheyenne	
Highest Selling Style		
Highest Selling Style %		
Brand	Decade	
Highest Selling Style		
Highest Selling Style %		
Brand	aura	
Highest Selling Style		
Highest Selling Style %		

Brand Totals	
--------------	--

Approximately [redacted] % of all cigarettes sold in the US in 2020

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



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

Division of
Advertising Practices

March 5, 2021

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 1, 2021, 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 10, 2016 and March 8, 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, 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 1, 2021 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 5, 2021

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.

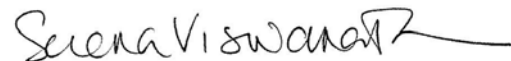
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings 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 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 4, 2022 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.



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

February 5, 2021

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.
2021 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Viswanathan:

Commonwealth Brands, Inc. ("Commonwealth Brands"), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2021 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma
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 exceed 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 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, each of which qualify for the exemption during the most recent fiscal year preceding submission of this application (ending September 30, 2020), are reported in the attached **Exhibit B**.

During 2021, Commonwealth Brands will manufacture 65 brand styles. As background, Commonwealth Brands no longer produces or sells the Crowns Blue 100s Box or the Crowns Menthol Dark Green King Size Box. These brand styles were included in the 2020 Cigarette Warning Rotation Plan for Commonwealth Brands, but all production and sales of these brand styles have ceased.

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 2021 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, 2020, were [REDACTED] units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2019 and First, Second and Third Quarters, 2020*. 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 10/01/2019-09/30/2020

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 KINGS BOX
SONOMA RED 100s SOFT PACK
SONOMA RED 100s BOX
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. FTC SALES
Fiscal Year 2020**

Brand (SKU)	Total Units FY 20
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100S BOX	
CROWNS BLUE 100S BOX	
CROWNS MENTHOL GREEN 100S BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100S BOX	
CROWNS MENTHOL DARK GREEN KING SIZE 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
1 st Q (Jan – Mar)	A	C	D
2 nd Q (Apr. – June)	B	D	A
3 rd Q (July – Sept.)	C	A	B
4 th Q (Oct. – Dec.)	D	B	C

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

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

	MULTIPLE BRANDS/ NON-BRAND SPECIFIC
1 st Q (Jan – Mar)	A
2 nd Q (Apr. – June)	B
3 rd Q (July – Sept.)	C
4 th Q (Oct. – Dec.)	D

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



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

Division of
Advertising Practices

March 19, 2021

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 a proposed plan filed by Commonwealth Brands, Inc. (“Commonwealth”) on February 5, 2021, calling for 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.

Commonwealth’s sales appear to qualify for the aforementioned alternative to quarterly rotation of warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to 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 February 5, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
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 is hereby approved for the following varieties: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;
- Fifteen varieties of the Sonoma brand: Red Kings Box, Red 100's soft pack, Red 100's Box, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue 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
- 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

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 19, 2021

Page 3

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.

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.

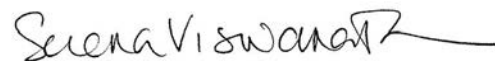
Please note that this letter only approves Commonwealth's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval 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>.

This approval is effective on the date of this letter and runs through March 18, 2022 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

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.

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 19, 2021

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 24, 2020, 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 July 11, 2016, June 6, 2019, and March 12, 2021. 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, 2020, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's total sales for fiscal year 2020 and the first month of fiscal year 2021. 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.

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

Warmest Regards,



Eric B. Estes
General Counsel

enclosures

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. 2020 Sales Data.

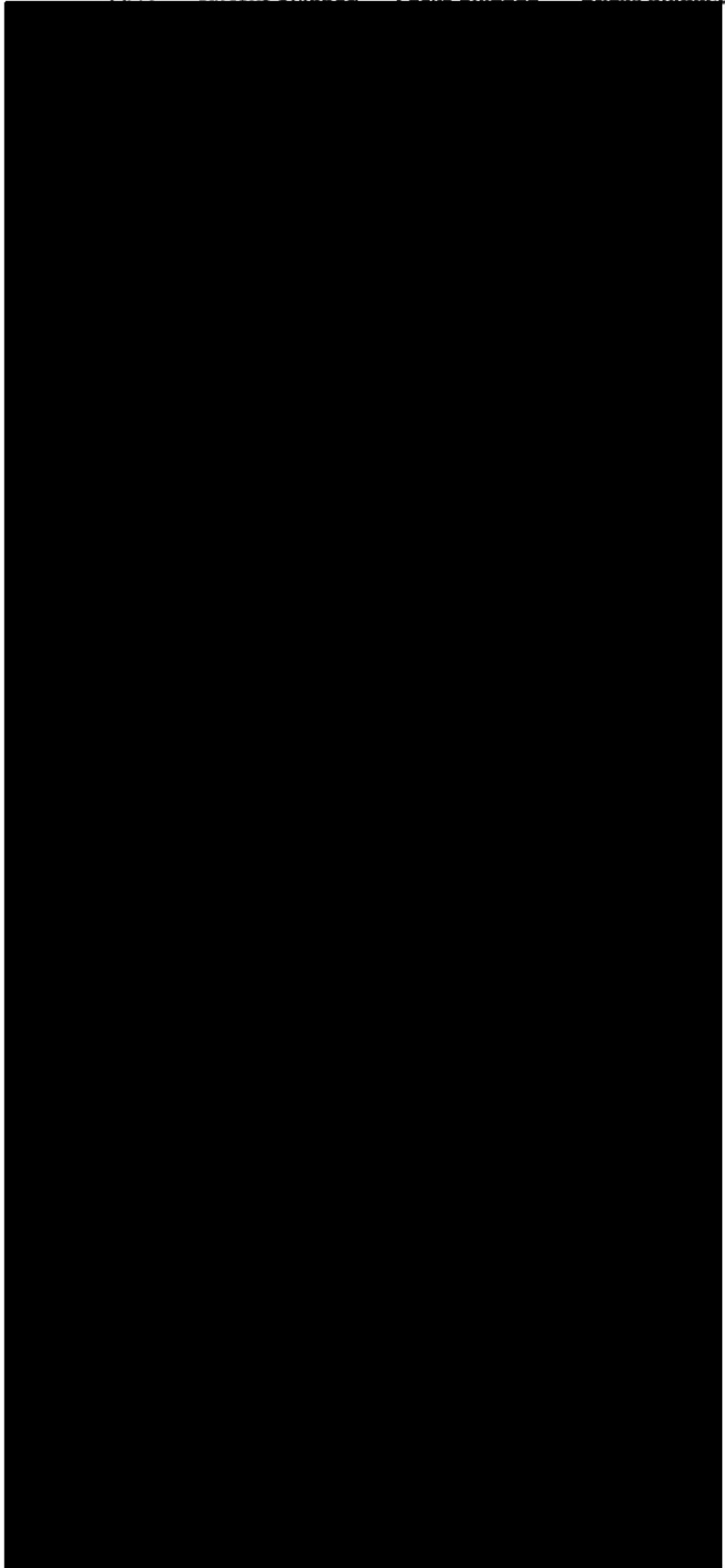
The attachment is provided on the following pages.

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 RED
- ECHO BOX 100 BLUE
- ECHO BOX 100 GOLD
- ECHO BOX 100 MENTHOL
- ECHO BOX 100 MENTHOL GOLD
- 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. 2021 Sales Data.

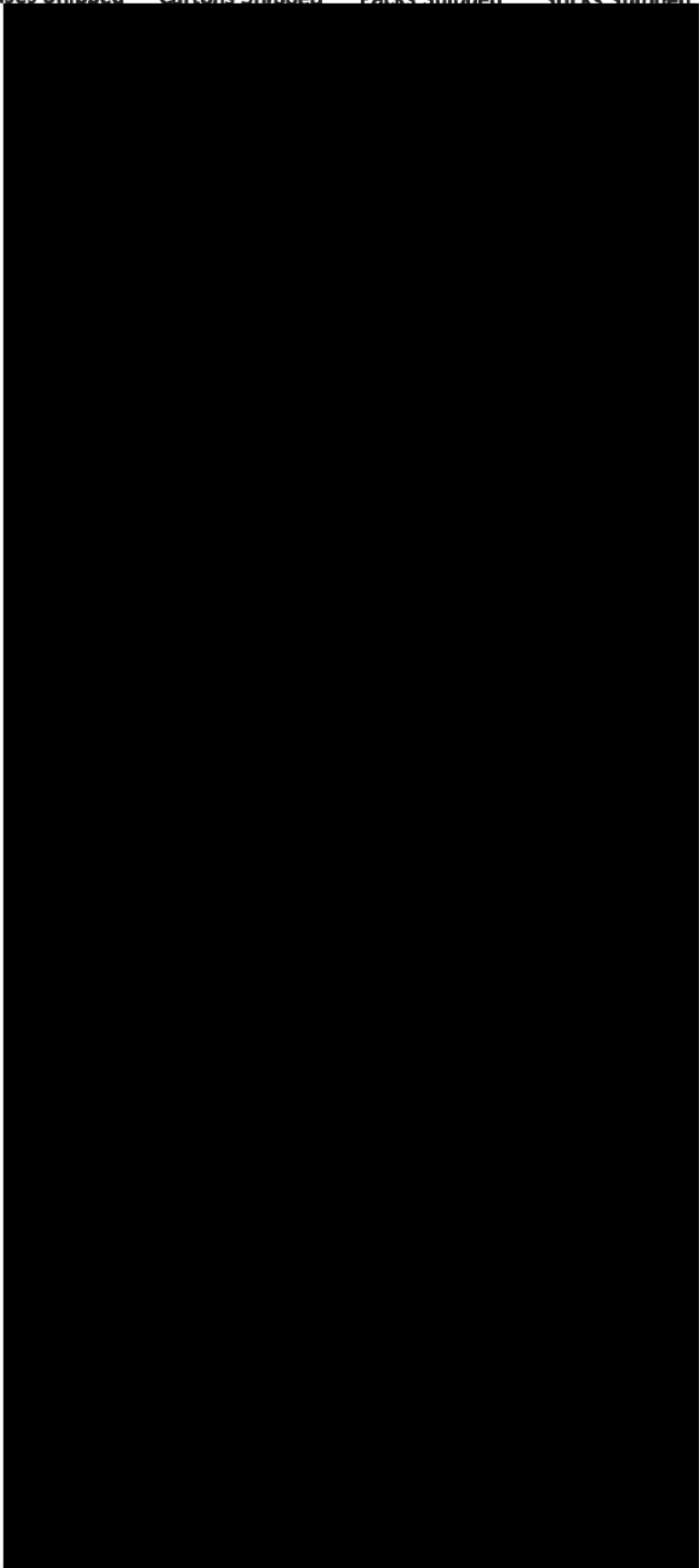
The attachment is provided on the following pages.

ATTACHMENT 2.2

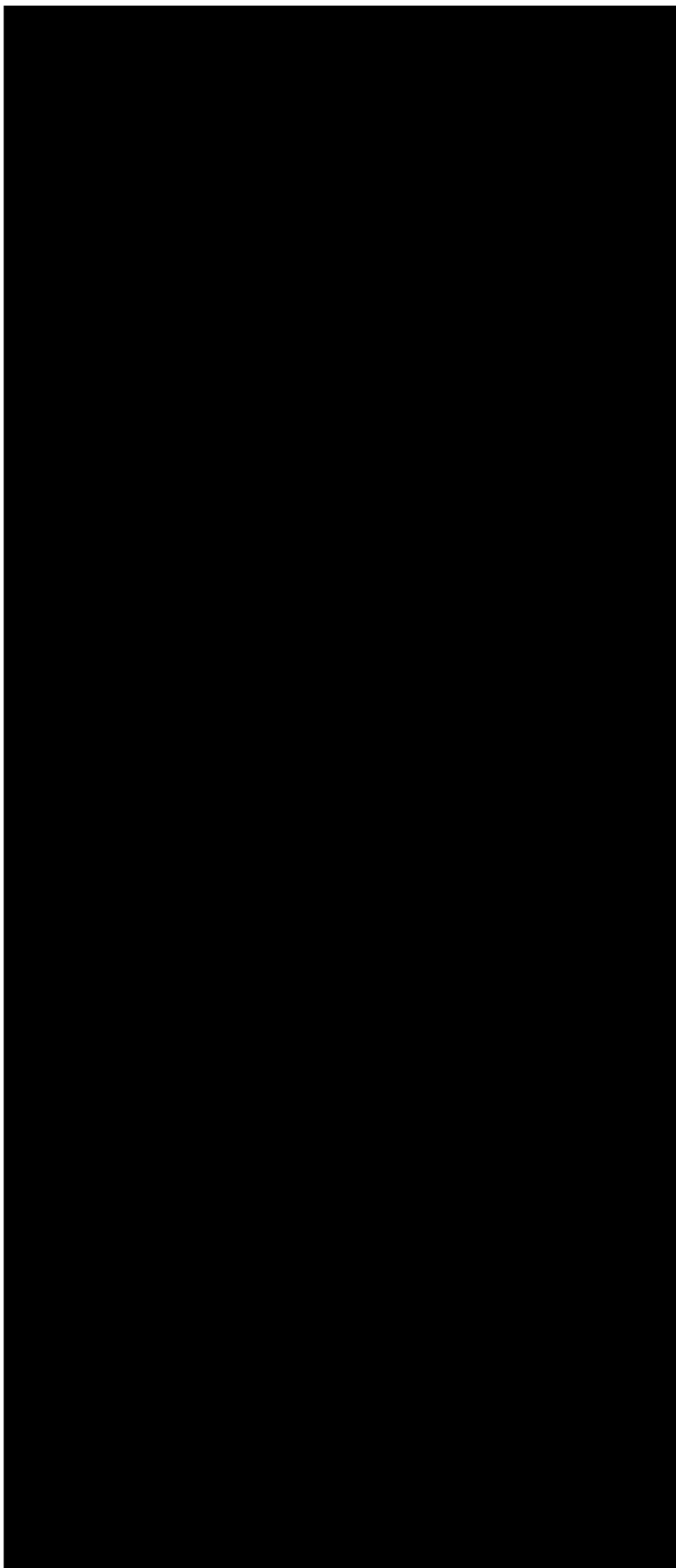
Brands

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.

KOALUMEN INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PUNTO, OKLAHOMA 74361

FSC



Echo
20 CLASS A CIGARETTES

MENTHOL KINGS
MADE IN USA

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

W/4

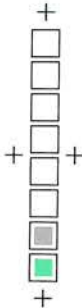
Echo
MENTHOL KINGS
BOX

278-XCAL

MADE IN USA

MENTHOL KINGS

20 CLASS A CIGARETTES
Echo



8/9/2017



BOX

MENTHOL KINGS
Echo

BOX

CLASS A
20
CIGARETTES

BOX



UNDERAGE
SALE
PROHIBITED

200 CLASS A CIGARETTES • MADE IN USA

100'S

Echo



Echo

100's

200 CLASS A CIGARETTES • MADE IN USA

UNDERAGE SALE PROHIBITED

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

Echo

100'S

200 CLASS A CIGARETTES • MADE IN USA

100's

Echo

8/23/2019

Edgefield
KALIBER INTERNATIONAL, LTD.
ONE TOBACCO ROAD
PIMON, OKLAHOMA 74381

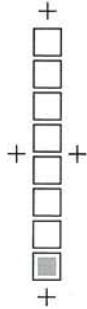
FSC



6

4/26

JLL



CLASS A
20
CIGARETTES

KINGS



20 CLASS A CIGARETTES
MADE IN USA

Edgefield
KINGS BOX

MADE IN USA

20 CLASS A CIGARETTES



KINGS

Edgefield

KINGS BOX

Edgefield

Edgefield

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

2421-XCAL

10/20/2020

UNDERAGE
SALE
PROHIBITED

Edgefield

BOX

200 CLASS A CIGARETTES

MADE IN USA

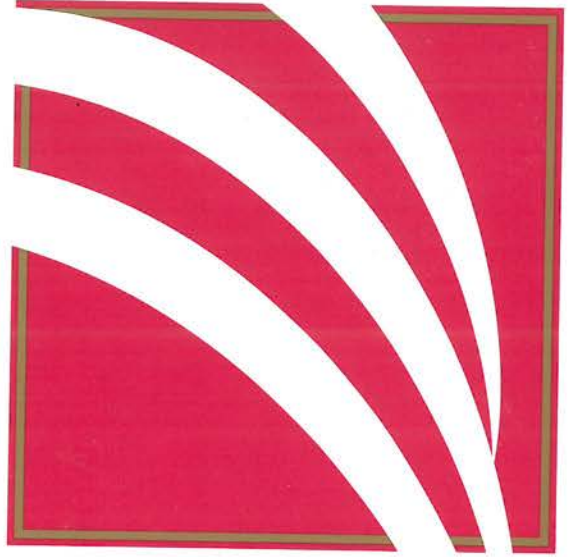


BOX

200 CLASS A CIGARETTES
MADE IN USA

Edgefield

BOX



BOX

200 CLASS A CIGARETTES

PO# 2490-XCAL

11/19/2020

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

EXETER
XCALIBUR INTERNATIONAL, LTD.
One Gibraltar Road
Parsippany, NJ 07054-7438

EXETER

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

FSC



MENTHOL
100'S
MADE IN USA

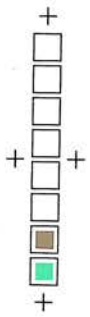
EXETER

2341-XCAL

MENTHOL 100'S BOX

MADE IN USA
MENTHOL
100'S

9/9/2020



EXETER

20 CLASS A CIGARETTES

MENTHOL 100'S BOX

EXETER

w/19

20 CLASS A CIGARETTES

20 CLASS A CIGARETTES

UNDERAGE
SALE
PROHIBITED

EXETER

100'S BOX

MADE IN USA

EXETER

100'S BOX

MADE IN USA

100'S BOX

EXETER



200 CLASS A CIGARETTES

EXETER

200 CLASS A CIGARETTES

MADE IN USA
100'S BOX

PO# 2277-XCAL

7/20/2020

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



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

Division of
Advertising Practices

March 23, 2021

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 19, 2021, 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 March 12, 2021 (for the Echo, Edgefield, and Exeter brands), June 6, 2019 (for the Royal brand), and July 11, 2016 (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 19, 2021 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 19, 2021 letter, Xcaliber is using colors in the names of a number of its cigarette varieties for the Echo, Edgefield, and Exeter brands (*e.g.*, “Echo Red

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;

100's Box"). We note that 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 23, 2021

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>.

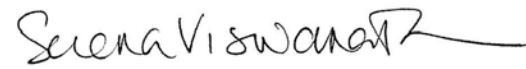
This approval is effective on the date of this letter and runs through March 22, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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 23, 2021
Page 4

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

KBIC TOBACCO COMPANY, LLC

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

PH: (906) 353.6623

March 26, 2021

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
March 26, 2021
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 2020 fiscal year (October 1, 2019 – September 30, 2020) are set out in Exhibit A. Our estimated sales for the 2021 fiscal year (October 1, 2020 – September 30, 2021) 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
March 26, 2021
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 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

KBIC Tobacco Company, LLC

Exhibit A

Fiscal Year 10/1/2019 - 9/30/2020 - 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 10/1/2020- 9/30/2021 - 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	



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

Division of
Advertising Practices

March 29, 2021

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 26, 2021, 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 26, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on January 23, 2018.

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.

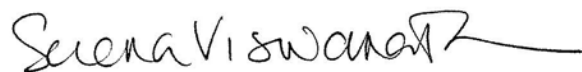
Please note that this letter only approves KBIC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any 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 28, 2022 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

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.



March 29, 2021

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

Dear Ms. Viswanathan:

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

Skookum Creek Tobacco Company currently produces two brand families of cigarettes, "Complete," and "Premis". A rotation plan was approved April 3, 2020, for these brand families.

Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: April 17, 2017, May 17, 2017 and March 3, 2021. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2020 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2020 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

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

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

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

Sincerely,

Juan Miguel (Mike) Araiza, General Manager

Exhibit A Skookum Creek Tobacco Co., Inc. Brand families and Brands of Cigarettes

Complete	Premis
Full Flavor Kings (Hard Pack)	Full Flavor Kings (Hard Pack)
High Air Kings (Hard Pack)	High Air Kings (Hard Pack)
Ultra High Air Kings (Hard Pack)	Ultra High Air Kings (Hard Pack)
Menthol Kings (Hard Pack)	Menthol Kings (Hard Pack)
Menthol High Air Kings (Hard Pack)	Menthol High Air Kings (Hard Pack)
Non Filtered Kings (Hard Pack)	Full Flavor 100s (Hard Pack)
Full Flavor 100s (Hard Pack)	High Air 100s (Hard Pack)
High Air 100s (Hard Pack)	Ultra High Air 100s (Hard Pack)
Ultra High Air 100s (Hard Pack)	Menthol 100s (Hard Pack)
Menthol 100s (Hard Pack)	Menthol High Air 100s (Hard Pack)
Menthol High Air 100s (Hard Pack)	

Exhibit B Sales and Projections - - Skookum Creek Tobacco Co., Inc. Brand Families and Brands of Cigarettes

Product Item #	Brand Family	Brand Name	Units Sold FY 2020	Projected FY 2021	Current FY21 Sales 10/2020 to 1/2021
01-50071	Complete FSC Full Flavor 100's	Complete			
01-50072	Complete FSC High Air 100's	Complete			
01-50073	Complete FSC Ultra High Air 100's	Complete			
01-50074	Complete FSC Menthol 100's	Complete			
01-50075	Complete FSC Menthol High Air 100's	Complete			
01-50076	Complete FSC Full Flavor Kings	Complete			
01-50077	Complete FSC High Air Kings	Complete			
01-50078	Complete FSC Ultra High Air Kings	Complete			
01-50079	Complete FSC Menthol Kings	Complete			
01-50080	Complete FSC Menthol High Air Kings	Complete			
01-50081	Complete FSC Non Filter Kings	Complete			
01-50082	Premis FSC Full Flavor Kings	Premis			
01-50083	Premis FSC High Air Kings	Premis			
01-50084	Premis FSC Ultra High Air Kings	Premis			
01-50085	Premis FSC Menthol Kings	Premis			
01-50086	Premis FSC Menthol High Air Kings	Premis			
01-50087	Premis FSC Full Flavor 100's	Premis			
01-50088	Premis FSC High Air 100's	Premis			
01-50089	Premis FSC Ultra High Air 100's	Premis			
01-50090	Premis FSC Menthol 100's	Premis			
01-50091	Premis FSC Menthol High Air 100's	Premis			

Selected packaging samples from those
submitted with the plan.

PREMIS
Full Flavor
100's Box

PREMIS

Sales to
Minors
Prohibited

PREMIS

20
Class A
Cigarettes

SKOOKUM CREEK
TOBACCO
www.skookumcreek.com
MADE IN U.S.A.

TPWAT FSC
856021002197

5/12/2020



Full Flavor
100's

PREMIS
Full Flavor
100's Box

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



Full Flavor
100's



6

PREMIS
High Air
100's Box



PREMIS

High Air
100's Box



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

PREMIS

High Air
100's Box



Sales to
Minors
Prohibited



High Air
100's Box





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

Division of
Advertising Practices

March 30, 2021

Mr. Juan Miguel Araiza
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Araiza:

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 Skookum Creek Tobacco Co., Inc. (“Skookum Creek”) on March 29, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete and Premis brands of cigarettes.

Skookum Creek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates 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>
Complete	April 17, 2017 May 17, 2017
Premis	March 3, 2021

¹ Skookum Creek stated in its March 29, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Eleven hard pack varieties of the Complete brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), Menthol High Air (Kings and 100's), and Non-Filter Kings; and
- Ten hard pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (Kings and 100's).

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 Skookum Creek's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("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 Skookum Creek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum Creek's packaging and advertising 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>.

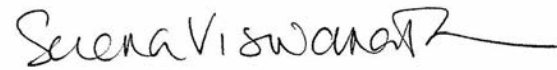
This approval is effective on the date of this letter and runs through March 29, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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.

Mr. Juan Miguel Araiza
March 30, 2021
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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