



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: January 24, 2020

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. January 16, 2018 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
2. January 16, 2018 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
3. January 17, 2018 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc., to Mary K. Engle.
4. January 18, 2018 letter from Mary K. Engle to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
5. January 9, 2018 letter from Travis G. Heron, Seneca Manufacturing Company to Mary K. Engle.
6. January 18, 2018 letter from Mary K. Engle to Travis G. Heron, Seneca Manufacturing Company.
7. January 5, 2018 letter from Eric F. Facer on behalf of Great Swamp Enterprises, Inc. to Mary K. Engle.
8. January 26, 2018 letter from Mary K. Engle to Eric F. Facer on behalf of Great Swamp Enterprises, Inc.

9. January 29, 2018 letter from Victoria Spier Evans, Vector Tobacco Inc. to Mary K. Engle.
10. January 30, 2018 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco Inc.
11. February 5, 2018 letter from Hoo Tjhiang Han, Kretek International, Inc. to Mary K. Engle.
12. February 6, 2018 letter from Mary K. Engle to Hoo Tjhiang Han, Kretek International, Inc.
13. February 16, 2018 letter from Henry C. Roemer, III on behalf of Kretek International, Inc. to Mary K. Engle.
14. February 20, 2018 letter from Mary K. Engle to Henry C. Roemer, III on behalf of Kretek International, Inc.
15. February 20, 2018 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Mary Engle.
16. February 22, 2018 letter from Mary K. Engle to Geraldine Bowen Barker, Commonwealth Brands, Inc.
17. February 22, 2018 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to the Division of Advertising Practices.
18. February 27, 2018 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
19. March 5, 2018 letter from Karen E. Delaney, Goodrich Tobacco Company, LLC to Mary K. Engle.
20. March 5, 2018 letter from Mary K. Engle to Karen E. Delaney, Goodrich Tobacco Company, LLC.
21. February 21, 2018 letter from Joseph M. Zebrowski, Rock River Manufacturing to Mary K. Engle.
22. March 7, 2018 letter from Mary K. Engle to Joseph M. Zebrowski, Rock River Manufacturing.
23. March 6, 2018 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Mary Engle.

24. March 8, 2018 letter from Mary K. Engle to Jennifer Misegan, KBIC Tobacco Company, LLC.
25. March 8, 2018 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
26. March 20, 2018 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
27. March 16, 2018 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Mary K. Engle.
28. March 23, 2018 letter from Mary K. Engle to Eric Barkley Estes, Xcaliber International, Ltd., LLC.



January 16, 2018

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

Re: Request for annual plan renewal approval for 2018

Dear Ms. Mary Engle:

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 and the Traffic Brands. We have assigned the Wildhorse Brand trademark to King Maker Marketing, Inc. so we have removed the Wildhorse Brand from our plan. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015, November 12, 2015 and May 12, 2016 letters.

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, 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.

- 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)

www.GoPremier.com

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: info@gopremier.com



- 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 the last fiscal year (January – December 2017) did not exceed [REDACTED] sticks for any one brand style that we manufacture, we do not import. We did not have any 2017 sales for the Creston, Fact and Passport Brands. 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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We submit and confirm that the foregoing complies with the Act.

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

Sincerely,

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

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

(3)

www.GoPremier.com

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: info@gopremier.com



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

Division of
Advertising Practices

January 16, 2018

Ms. Terri Albright
Premier Manufacturing, Inc.
17998 Chesterfield Airport Road
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 16, 2018, 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, and Ultra Buy 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, and May 12, 2016 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;

¹ Premier stated in its January 16, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

- 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;
- 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; and
- 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.

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 ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Premier's packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

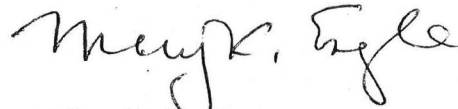
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Terri Albright
January 16, 2018
Page 3

This approval is effective on the date of this letter and runs through January 15, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

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

Mary K. Engle
Associate Director



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

January 17, 2018

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

RE: Cigarette Health Warning Plan

Dear Madam:

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

Farmers Tobacco Co. of Cynthiana, Inc. owns and manufactures only the brands "Kentucky's Best", "VB Made in the USA", and "Baron American Blend". This is a plan for the following brand styles:

- Six varieties of the Kentucky's Best brand: Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack); and
- One variety of the VB Made in the USA brand: Menthol Kings hard pack

All other brand styles were previously approved on October 18, 2017. We do not import any cigarettes.

I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each of the seven brand styles of Kentucky's Best and VB Made in the USA brands listed above for the one-year period beginning on the date of approval of this plan. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style.

To date, each of the four warnings have been equalized. The warnings will appear exactly as shown on the pack and carton samples submitted with our submission of December 7, 2017.

The sales volumes in sticks for each brand for fiscal year 2017 were as follows:

Kentucky's Best

VB Made in the USA

Baron American Blend



Anticipated sales volumes in sticks for each brand for fiscal year 2018 are as follows:

Kentucky's Best

VB Made in the USA

Baron American Blend



II. Advertisements (other than outdoor billboard advertisements)

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

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

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

Sincerely,

Jennifer Straus

Vice President

Farmers Tobacco Co. of Cynthiana, Inc.

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

Kentucky's Best

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

VB Made in the USA

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

Baron American Blend

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

Selected packaging samples from those
submitted with the plan.

SALES TO
MINORS
PROHIBITED

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

KENTUCKY'S BEST



SILVER
100's
MADE IN U.S.A.

Farriner's Tobacco Co. of Cynthiana
P.O. Box 98
Cynthiana, KY 41031
call toll free 1-866-832-7637
www.farrinertobacco.com
Manufactured by family tobacco
farmers in Cynthiana, Kentucky



KENTUCKY'S BEST



SILVER
100's
MADE IN U.S.A.

KENTUCKY'S
BEST
SILVER
100's



ND-0351 WN-C

100'S

100'S

★ GOLD ★

KENTUCKY'S
BEST

SALES TO MINORS PROHIBITED

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

100'S

★ GOLD ★

KENTUCKY'S
BEST

BOX



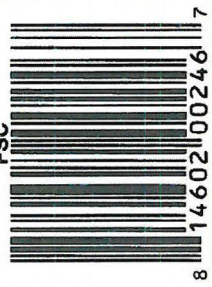
KENTUCKY'S
BEST

★ GOLD ★

Thank you for choosing Kentucky's Best,
a cigarette manufactured by family tobacco
farmers in Cynthiana, Kentucky.
No implications are being made these cigarettes
are any less hazardous than any other cigarettes.

MADE IN U.S.A.

Farmer's Tobacco Co. of Cynthiana
P.O. Box 98
Cynthiana, KY 41031
www.farmerstobacco.com



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



F2-16D



MENTHOL

KING SIZE

ND
01627 /1172 3695
08 3 8682 X 9 9966
5895

FR 1 234 567 8 9 10 11 12
18 1 234 567 8 9 10 11 12



KING SIZE

MENTHOL

20 CLASS A CIGARETTES



20 CLASS A CIGARETTES

MENTHOL

KING SIZE

SALES TO MINORS PROHIBITED

VB MADE IN THE USA
P.O. Box 80
CYNTHIANA, KY 41031
TP-40KY

BOX

MENTHOL
KING SIZE



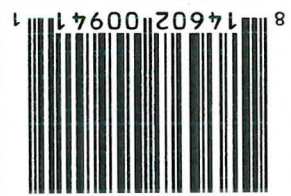
VB MADE IN THE USA
P.O. Box 98
CYNTHIANA, KY 41031
TP-45KY
200 Class A Cigarettes



MENTHOL
KING SIZE

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

SALES TO MINORS PROHIBITED



MENTHOL
KING SIZE



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

Division of
Advertising Practices

January 18, 2018

Ms. Jennifer Straus
Farmers Tobacco Co. of Cynthiana, Inc.
636 US Highway 27 North
P.O. Box 98
Cynthiana, KY 41031

Dear Ms. Straus:

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 Farmers Tobacco Co. of Cynthiana, Inc. (“Farmers Tobacco”) on January 17, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Kentucky’s Best” and “VB Made in the USA” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letter dated December 7, 2017 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Six varieties of the Kentucky’s Best brand: Gold Kings (soft pack and hard pack), Gold 100’s (soft pack and hard pack), and Silver 100’s (soft pack and hard pack); and
- One variety of the VB Made in the USA brand: Menthol Kings hard pack.

¹ Farmers Tobacco stated in its January 17, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on that date.

Ms. Jennifer Straus
January 18, 2018
Page 2

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.

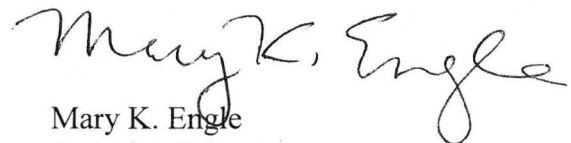
Please note that this letter only approves Farmers Tobacco's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and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

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

This approval is effective on the date of this letter and runs through January 17, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

January 9, 2018

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

Re: Royal and Sandia Cigarettes

Dear Ms. Engle:

Seneca Manufacturing Company is purchasing the Royal and Sandia brands from Sandia Manufacturing Company and WM Distribution Inc. As such, the two brands will now be manufactured under Seneca Manufacturing Company's TP number.

Please consider this letter our request for annual compliance. This is our original plan for the simultaneous display of the Surgeon General's warnings on packaging. Previously, Sandia Manufacturing Company and WM Distribution Inc would have submitted these plans.

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

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

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

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
January 9, 2018
PAGE 2

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

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

Full Flavor 100's Box
Blue 100's Box
Sky Blue 100's Box
Full Flavor Menthol 100's Box
Menthol 100's Box

Full Flavor King Size Box
Blue King Size Box
Full Flavor Menthol King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter of October 20, 2017.

Seneca Manufacturing Company also manufactures other brands of cigarettes, Heron and Sands.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for the 2017 fiscal year (calendar year ending December 31, 2017) are set out in Exhibit "A". Our anticipated sales for each brand style of the Heron, Sands, Sandia and Royal brands for the next fiscal year (2018) are set out in Exhibit "B."

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 Royal and Sandia cigarette brand style listed above an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the Royal and Sandia cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
January 9, 2018
PAGE 3

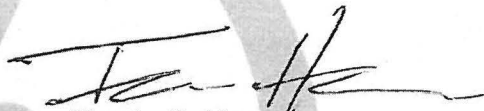
loaded into packaging machines alternating the four health warnings. Seneca Manufacturing Company will maintain records of compliance with the approved plan.

We do not intend to submit an advertising plan at this time. If we do intend to advertise, we will submit an advertising plan.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

TGH/ch
Enclosures

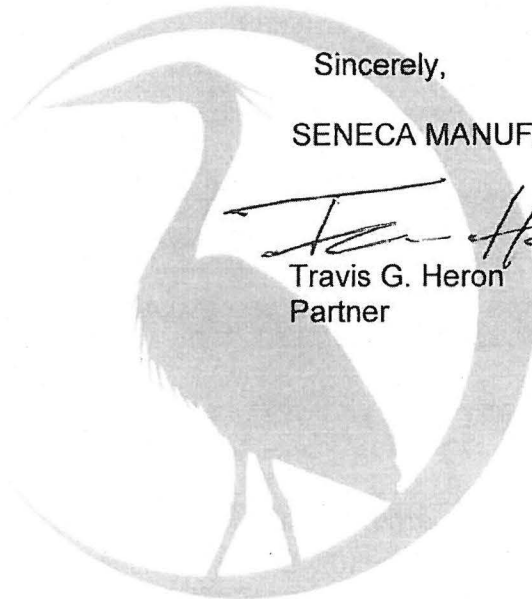


Exhibit A

Brand	Style	2017 Sales by Sticks
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Non-Filter King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Sands	Red King Box	
Sands	Gold King Box	
Sands	Silver King Box	
Sands	Menthol King Box	
Sands	Menthol Blue King Box	
Sands	Red 100 Box	
Sands	Gold 100 Box	
Sands	Silver 100 Box	
Sands	Menthol 100 Box	
Sands	Menthol Blue 100 Box	

Exhibit B

Brand	Style	Estimated 2018 Sales by Stick
Heron	No. 33 Black Red King Box	
Heron	No. 33 Black Gold King Box	
Heron	No. 33 Black Menthol King Box	
Heron	No. 33 Black Red 100 Box	
Heron	No. 33 Black Gold 100 Box	
Heron	No. 33 Black Menthol 100 Box	
Heron	Crimson King Box	
Heron	Red King Box	
Heron	Gold King Box	
Heron	Silver King Box	
Heron	Menthol King Box	
Heron	Menthol Gold King Box	
Heron	Non-Filter King Box	
Heron	Crimson 100 Box	
Heron	Red 100 Box	
Heron	Gold 100 Box	
Heron	Silver 100 Box	
Heron	Menthol 100 Box	
Heron	Menthol Gold 100 Box	
Heron	Red 100 SP	
Heron	Gold 100 SP	
Heron	Silver 100 SP	
Heron	Menthol 100 SP	
Heron	Menthol Gold 100 SP	
Royal	Full Flavor King Box	
Royal	Gold King Box	
Royal	Full Flavor Menthol King Box	
Royal	Full Flavor 100's Box	
Royal	Gold 100's Box	
Royal	Silver 100's Box	
Royal	Full Flavor Menthol 100's Box	
Royal	Menthol 100's Box	
Sandia	Full Flavor King Box	
Sandia	Blue King Box	
Sandia	Full Flavor Menthol King Box	
Sandia	Full Flavor 100's Box	
Sandia	Blue 100's Box	
Sandia	Sky Blue 100's Box	
Sandia	Full Flavor Menthol 100's Box	
Sandia	Menthol 100's Box	
Sandia	Full Flavor 100's Soft Pack	
Sandia	Blue 100's Soft Pack	
Sandia	Sky Blue 100's Soft Pack	

Selected packaging samples from those
submitted with the plan.

20 CLASS A
CIGARETTES

SANDIA



BLUE
100's

PREMIUM BLEND

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

SANDIA



BLUE
100's

PREMIUM BLEND

SANDIA
BLUE
100's

Made in the USA

TP-NV-15007

FSC



6 93067 24112 9

SANDIA



200 CLASS A CIGARETTES

BLUE 100's

PREMIUM BLEND

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

SANDIA

BLUE 100's

SALES TO MINORS
PROHIBITED

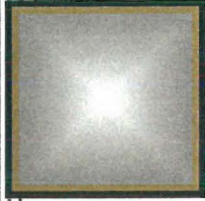
TP-NY-15007



20 GLASS A
CIGARETTES

Royal

SILVER



100's



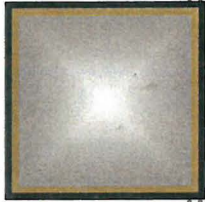
FSC

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

Royal

SILVER
100's

100's



SILVER

Royal

MADE IN USA



Royal

SILVER
100's

KM

Underage
Sale
Prohibited

MADE IN USA
TP-NY-15007



MADE IN USA



MADE IN USA

Royal

**MENTHOL
BOX**

Underage Sale Prohibited

100's

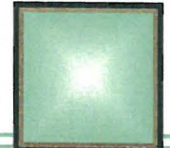


MADE IN USA

Royal

**MENTHOL 100's
BOX**

 MADE IN USA
Royal
MENTHOL 100's



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



01004 7



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

Division of
Advertising Practices

January 18, 2018

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on January 9, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Royal and Sandia brands of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated October 20, 2017 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight Box varieties of the Royal brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Full Flavor Menthol (Kings and 100’s), and Menthol 100’s; and
- Thirteen varieties of the Sandia brand: Full Flavor Kings Box, Full Flavor 100’s (Box and Soft Pack), Blue Kings Box, Blue 100’s (Box and Soft Pack), Sky Blue 100’s (Box and Soft Pack), Full Flavor Menthol Kings Box, Full Flavor Menthol 100’s (Box and Soft Pack), and Menthol 100’s (Box and Soft Pack).

¹ Seneca stated in its January 9, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on October 20, 2017.

Mr. Travis G. Heron
January 18, 2018
Page 2

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

If Seneca decides to advertise the Royal and Sandia brands 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 those advertisements.

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

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

This approval is effective on the date of this letter and runs through January 17, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,



Mary K. Engle
Associate Director

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

LAW OFFICES OF ERIC F. FACER, PLLC

1025 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036
(202) 464-0400
eff@f-slaw.com

January 5, 2018

Via First Class Mail and E-mail (McGregor, Bonnie <bmcgregor@ftc.gov>)

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

ATTN: Ms. Bonnie McGregor

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

Dear Ms. Engle:

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

Great Swamp's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 10, 2011. Further, the company has renewed its plan annually since that time. The effective date of its current plan runs through January 30, 2018, as noted in the enclosed letter from your office dated January 31, 2017.

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 2017, 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. Its projected sales for 2018 are approximately [REDACTED] sticks.

Cayuga Brand cigarettes are sold in eleven (11) hard box brand styles. Great Swamp requests that the following eleven (11) styles be included in the Plan:

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

These are the exact same brand styles that were the subject of the equalization plan submitted on January 5, 2017, as approved by the FTC on January 31, 2017; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

The warnings will appear exactly as shown on the samples of Cayuga packaging submitted with our letter to the FTC dated February 18, 2011. Great Swamp is aware that the Food and Drug Administration (the "FDA") may assume jurisdiction, at any time during 2018, for warning label compliance. Great Swamp has devised a rotation plan that is intended to ensure the equalized use of the four health warnings on all packs and all cartons for each brand style covered by the Plan for the one-year period beginning on the date of approval of this Plan. Specifically, it will accomplish this objective by ordering packaging materials containing an equal number of the four health warnings. It will then employ its packaging inventory in such a way as to ensure the equalized use and rotation of the four health warnings on all packs and all cartons of each brand style of the Cayuga Brand. Based on the above, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp will keep records demonstrating compliance with this Plan.

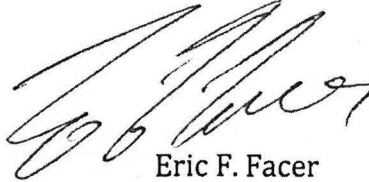
Although Great Swamp does not advertise its products on the Internet, it does use print advertising to promote the Cayuga brand. On December 5, 2012, Great Swamp submitted a revised proposed plan for the quarterly rotation of the four health warnings in print advertising up to 720 square inches in size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

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 Kings." However, the color used for each brand style's packaging does conform to the color used in its name.

Ms. Mary K. Engle
January 5, 2018
Page 3

We submit that the foregoing complies with the requirements of the FCLAA, and request expedited approval of this request. Should you require any additional information in order to review and approve the health warning rotation plan of Great Swamp Enterprises, Inc. for the Cayuga brand, please feel free to contact me at any time. Please fax the approval of the Plan to me at 202/464-0404 (F); alternatively, you may email it to me at: eff@f-slav.com. Thank you for your assistance.

Sincerely,

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

Eric F. Facer

Enclosure



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

Division of
Advertising Practices

January 26, 2018

Eric F. Facer, Esq.
1025 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

Dear Mr. Facer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Great Swamp Enterprises, Inc. (“Great Swamp”), on January 5, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for eleven box varieties of the Cayuga brand of cigarettes.

Great Swamp’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 18, 2011 continue to 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 box varieties of the Cayuga brand: Dark Green (Kings and 100’s), Medium Green (Kings and 100’s), Red (Kings and 100’s), Blue (Kings and 100’s), Gold (Kings and 100’s), and Light Green 100’s.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 January 5, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 18, 2011.

² As set forth in its January 5, 2018 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.

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

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

This approval is effective on the date of this letter and runs through January 25, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director



Vector Tobacco Inc.

Victoria Spier Evans
Corporate Counsel

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

January 29, 2018

BY FEDEX

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

Re: Vector Tobacco Inc. Application to Renew Cigarette Warning Rotation Plan
for *Eagle 20's*, *Silver Eagle*, and *USA* Cigarette Brands and Brand Styles

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby applies to renew its cigarette warning rotation plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for the three brand styles of *Eagle 20's* discussed below (which are subject to quarterly warning rotation), Vector Tobacco requests simultaneous rotation of the four required warnings in accordance with 15 U.S.C. § 1333(c)(2) for all Vector Tobacco brand styles of the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brands. In support of this application, enclosed is an affidavit of Nicholas P. Anson, Vice President-Finance of Vector Tobacco with attached Exhibits A and B ("Anson Affidavit"). This application is for a one-year period beginning on the date of approval of this application.

Vector Tobacco's current rotation plan was approved on February 2, 2017 and will expire on February 1, 2018. Vector Tobacco requests renewal of its Plan with respect to all brand styles of the *Eagle 20's*, *Silver Eagle*, and *USA* cigarette brands as listed on Exhibit B to the Anson Affidavit, except for the following three brand styles, as discussed below:

Eagle 20's Red 100s Box,
Eagle 20's Red Kings Box,
Eagle 20's Blue 100s Box.

Through the date of this application, the Surgeon General's warnings on the packages for all of Vector Tobacco's brand styles that are approved for equalization have been equalized, in

accordance with Vector Tobacco's current Plan. Vector Tobacco box and soft pack labels are printed in such a way that all four warnings are printed with each revolution of one printing cylinder. For the cartons, two printing cylinders are alternated during the printing process to achieve equal warnings within a single pallet of packaging. Materials are palletized containing all four warnings on each pallet of packs and cartons. On a pallet, the box packs and cartons are stacked in bundles of 500 containing a mix of the four warnings and for the soft pack labels rolls each containing a mix of the four warnings. In the manufacturing process, packaging is taken from the pallet and loaded into the packaging equipment as it is removed from the pallet, in the order that it is on the pallet, without any attempt to adjust or control that order. Accordingly, as the pallets of packing are used in the manufacturing process, the cigarettes produced using that packaging from those pallets will bear each of the four warnings in equal numbers, subject to limitations to the commercial printing and manufacturing practices.

The *Eagle 20's* Red 100s Box brand style is already subject to quarterly rotation of the four warnings pursuant to the Commission's approval letter dated February 3, 2016. In addition, the *Eagle 20's* Blue 100s Box brand style no longer qualifies for simultaneous warning rotation because its calendar year 2017 unit sales exceeded one fourth of one percent of all cigarettes sold in the United States in 2017. Although the calendar year 2017 unit sales of the *Eagle 20's* Red Kings Box brand style were slightly less than one-fourth of one percent of all cigarettes sold in the United States in 2017, Vector Tobacco is nevertheless also applying for quarterly rotation of the required warnings on the *Eagle 20's* Red Kings Box brand style. Accordingly, Vector Tobacco is applying for quarterly rotation of the four warnings for packaging of the *Eagle 20's* Red Kings Box and *Eagle 20's* Blue 100s Box brand styles. The four warnings will be rotated quarterly in the following sequence, which is the same sequence used for *Eagle 20's* advertising, as set forth in the Plan:

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

Packaging for the *Eagle 20's* Red Kings Box and *Eagle 20's* Blue 100s Box brand styles, effective as of the date of the approval letter, will bear applicable warning for the quarter in which such cigarettes are manufactured, regardless of the dates on which such cigarettes are distributed or sold. However, in order to allow for an orderly transition from simultaneous to quarterly rotation, Vector Tobacco requests permission to continue to use simultaneous warning

Ms. Mary K. Engle
January 29, 2018
Page 3

rotation on *Eagle 20's Red Kings Box* and *Eagle 20's Blue 100s Box* for up to 15 calendar days after approval of this application.

The enclosed Anson Affidavit sets forth the relevant information on total U.S. and Vector Tobacco cigarette sales in calendar year 2017, which is the most recent fiscal year of Vector Tobacco preceding the submission of this application. The Anson Affidavit shows that all Vector Tobacco brand styles qualify for simultaneous rotation, except for the *Eagle 20's Red 100s Box* and the *Eagle 20's Blue 100s Box* brand styles, as discussed above.

Except for the *Eagle 20's Red 100s Box*, *Eagle 20's Red Kings Box*, and *Eagle 20's Blue 100s Box* brand styles, which will be subject to quarterly warning rotation as discussed above, the warnings required by the Act will be printed on the packs and cartons of all other Vector Tobacco brand styles an equal number of times within the one-year period beginning on the date of approval of this application. The four warnings required by the Act will be printed on the packs and cartons of each brand style of the Vector Tobacco brands (except *Eagle 20's Red 100s Box*, *Eagle 20's Red Kings Box*, and *Eagle 20's Blue 100's Box*) an equal number of times within the one-year period beginning on the date of approval of the Plan. The warnings will appear exactly as shown on the pack and carton packaging samples provided with my letter of January 13, 2014. This will confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan. 0

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

Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,

Victoria Spier Evans (JRE)
Victoria Spier Evans

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF NICHOLAS P. ANSON

Nicholas P. Anson, being duly sworn, deposes and says:

1. I am Vice President – Finance of Vector Tobacco Inc. (“Vector Tobacco”), a corporation organized and existing under the laws of the Commonwealth of Virginia.

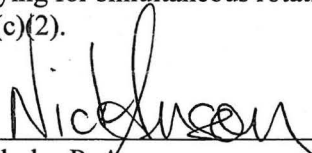
2. I submit this affidavit in support of the application to renew the Vector Tobacco Inc. Consolidated Rotation Plan for *Eagle 20’s*, *Silver Eagle* and *USA* Cigarette Brands and Brand Styles, which is being filed contemporaneously herewith (the “Plan”).

3. Under 15 U.S.C. § 1333(c)(2), the Surgeon General’s Warnings on the packaging of a particular brand style of cigarettes may be rotated on a simultaneous basis if: (a) the number of cigarettes of such brand style sold in the fiscal year of Vector Tobacco preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (b) more than one-half of the cigarettes sold by Vector Tobacco in the United States were packaged into brand styles that meet the foregoing requirement. Vector Tobacco’s most recent fiscal year was calendar year 2017.

4. Attached to this affidavit as Exhibit A is a copy of “Total Cigarette Industry Shipment Volume Estimation, Results for December 2017,” published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2017. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.

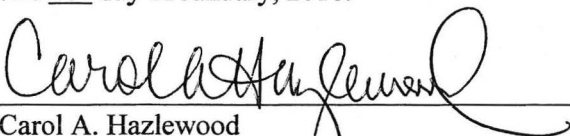
5. Attached to this affidavit as Exhibit B are the unit sales for calendar year 2017 for all Vector Tobacco cigarette brand styles. Exhibit B shows that in calendar year 2017 all but two Vector Tobacco cigarette brand styles had unit sales of less than one-fourth of one percent of all cigarettes sold in the United States in such year. The two exceptions are *Eagle 20’s* Red 100s Box and *Eagle 20’s* Blue 100s Box. Although the calendar year 2017 unit sales of the *Eagle 20’s* Red Kings Box brand style were slightly less than one-fourth of one percent of all cigarettes sold in the United States in 2017 [REDACTED] (cigarettes), Vector Tobacco is nevertheless also applying for quarterly rotation of the required warnings on that brand style.

6. Accordingly, for all brand styles except *Eagle 20’s* Red 100s Box, *Eagle 20’s* Red Kings Box, and *Eagle 20’s* Blue 100s Box, Vector Tobacco is applying for simultaneous rotation of the four required cigarette warnings as provided in 15 U.S.C. § 1333(c)(2).

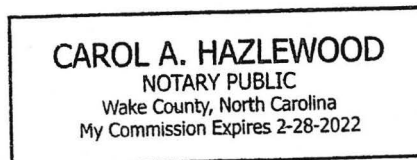


Nicholas P. Anson
Vice President – Finance

Sworn to and subscribed before me,
this 11th day of January, 2018.



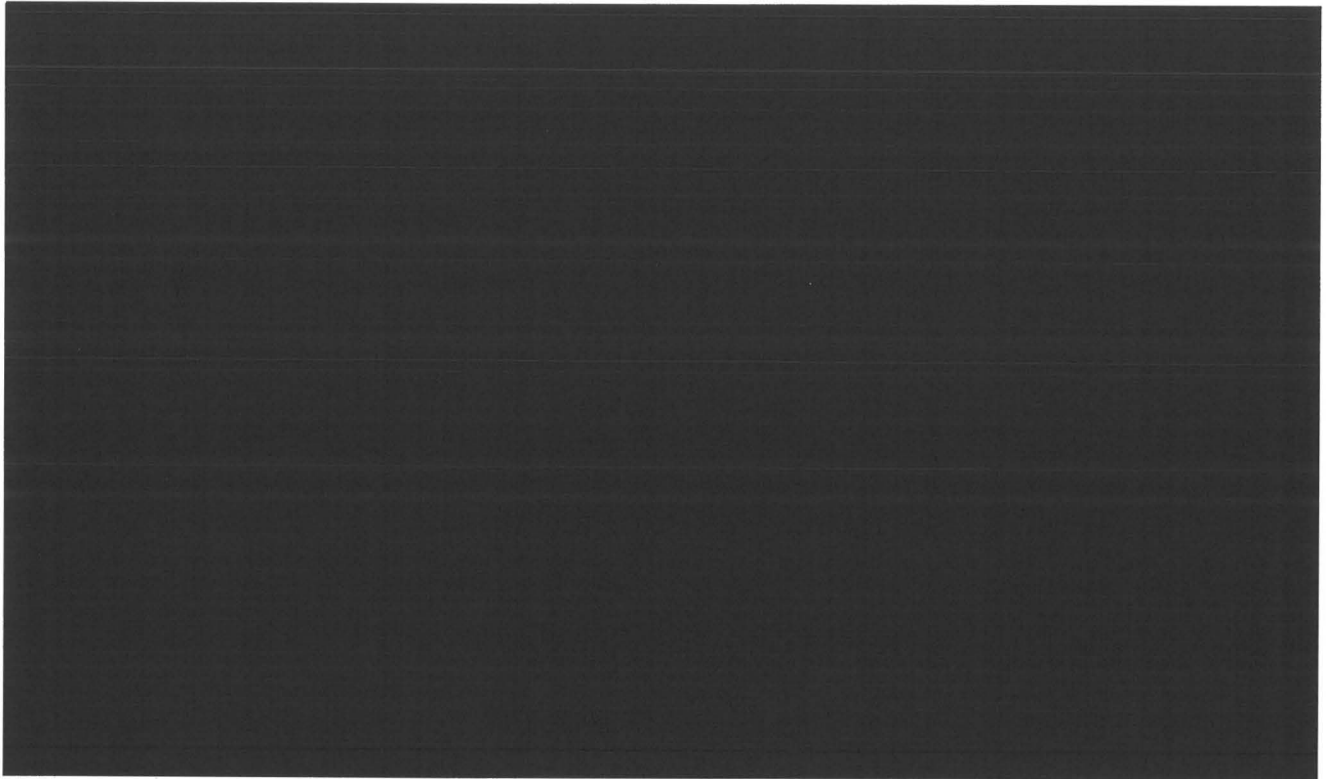
Carol A. Hazlewood
Notary Public, State of North Carolina
My commission expires: February 28, 2022



January 9, 2018

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

Results for December 2017



Please note that this estimation report is no longer considered an alpha release and under the restrictions imposed for those special releases. These reports are issued pursuant to and subject to your CRA agreement with MSA.

Exhibit A

Exhibit B

**Vector Tobacco Inc.
Application to Renew Cigarette Warning Rotation Plan
January 3, 2018**

	Brand	Brand Style	2017 Units Sold
1	EAGLE 20's	Blue 100s Box	
2	EAGLE 20's	Blue Kings Box	
3	EAGLE 20's	Menthol Gold 100s Box	
4	EAGLE 20's	Menthol Gold Kings Box	
5	EAGLE 20's	Non-Filter Kings Box	
6	EAGLE 20's	Orange 100s Box	
7	EAGLE 20's	Orange Kings Box	
8	EAGLE 20's	Red 100s Box	
9	EAGLE 20's	Red Kings Box	
10	EAGLE 20's	Menthol Silver 100s Box	
11	EAGLE 20's	Menthol Silver Kings Box	
	TOTAL EAGLE 20's		
1	SILVER EAGLE	Blue 100's Box	
2	SILVER EAGLE	Blue Slims 120's Box	
3	SILVER EAGLE	Menthol Full Flavor 100's Soft Pack	
4	SILVER EAGLE	Menthol Full Flavor Kings Box	
5	SILVER EAGLE	Gold 100's Box	
6	SILVER EAGLE	Gold Kings Box	
7	SILVER EAGLE	Full Flavor 100's Box	
8	SILVER EAGLE	Full Flavor Kings Box	
9	SILVER EAGLE	Menthol 100's Soft Pack	
10	SILVER EAGLE	Menthol Slims 120's Box	
11	SILVER EAGLE	Menthol Kings Box	
	TOTAL SILVER EAGLE		
1	USA	Blue 100's Box	
2	USA	Blue 100's Soft Pack	
3	USA	Blue Kings Box	
4	USA	Menthol Kings (Full Flavor) Box	
5	USA	100's (Full Flavor) Box	
6	USA	100's (Full Flavor) Soft Pack	
7	USA	Kings (Full Flavor) Box	
8	USA	Menthol Silver Kings Box	
9	USA	Menthol 100's (Full Flavor) Box	
10	USA	Menthol Silver 100's Box	
11	USA	Silver 100's Box	
	TOTAL USA		



Division of
Advertising Practices

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

January 30, 2018

Ms. Victoria Spier Evans
Corporate Counsel
Vector Tobacco Inc.
3800 Paramount Parkway
Suite 250
P.O. Box 2010
Morrisville, NC 27560

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Vector Tobacco Inc. (“Vector”) on January 29, 2018 calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Eagle 20’s, Silver Eagle, and USA brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Eagle 20’s Blue 100’s box and Eagle 20’s Red Kings box varieties of cigarettes.

Vector’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Eagle 20’s Red 100’s box¹ and the Eagle 20’s Blue 100’s box varieties, and the warnings on the sample packs and cartons submitted on January 13, 2014 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

¹ The Eagle 20’s Red 100’s box variety is subject to quarterly rotation, which does not require annual approval.

² Vector stated in its January 29, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Accordingly, Vector's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **January 29, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first:**

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

Vector's plan for quarterly rotation of the four health warnings on packaging for the Eagle 20's Red Kings box and Eagle 20's Blue 100's box varieties is also approved.

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

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

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

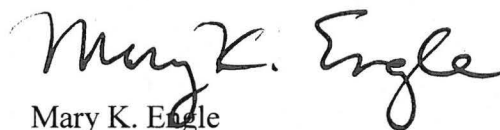
³ Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Victoria Spier Evans
January 30, 2018
Page 3

www.fda.gov/TobaccoProducts/default.htm, or
www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA
email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

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

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looping "E" at the end.

Mary K. Engle
Associate Director



5449 Endeavour Court • Moorpark, California 93021

Ms. Mary K. Engle, Associate Director
Federal Trade Commission
600 Pennsylvania Avenue NW
Mail Drop CC-10528
Washington, DC 20580

February 5, 2018

Dear Ms. Engle:

Re: Renewal of Health Warning Rotation Plan for DREAMS Brand Cigarettes

On February 10, 2017, Kretek International ("Kretek") received approval from the Federal Trade Commission ("FTC") for its health warning rotation plan ("the Plan") for its Dreams brand of cigarettes which are imported by Kretek.

The FTC's approval is valid for a period of one year. With this letter, Kretek seeks to renew the FTC's approval of Kretek's plan for the following Dreams Brand of cigarettes all of which are in king-size, clam-shell style hard packs: California Dreams, Midnight Dreams, Menthol, Natural, and Pink Dreams.

The health warnings on the packaging for these five (5) brand styles will appear exactly as shown on the packaging labels that were sent to you on January 13, 2016. In addition, Kretek has submitted to the Secretary of the Department of Health and Human Services a list of the ingredients added to tobaccos in the manufacture of the cigarettes.

Kretek will display the 4 health warnings an equal number of times on the packs and cartons of each brand style of the DREAMS brand for the one year period beginning on the date of approval of the Plan. Each shipment of DREAMS cigarettes that is imported by Kretek shall contain an equal number of warnings on each of the styles listed above. Kretek will keep records to demonstrate compliance with this Plan.

Each year, Kretek will resubmit this equalized health warning statement plan for your review and approval. Kretek uses a calendar-based fiscal year that runs from January through December. Kretek should qualify to equalize the warnings on its packs and cartons during fiscal year 2018, since no single brand style of cigarettes imported by Kretek had sales of more than [REDACTED] sticks during fiscal year 2017. Kretek currently imports TAJ MAHAL, LAGUNAS and DREAMS brand families of cigarettes.

Kretek does not itself manufacture or fabricate any cigarettes.



Kretek does not intend to engage in consumer advertising for the DREAMS cigarette brands, but will submit a proposed advertising rotation plan for approval to the FTC if that changes.

In view of the above practices, Kretek asks that its health warning display plan be approved for the upcoming year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hoo Tjhiang Han', written over a large, light-colored scribble.

Hoo Tjhiang Han
Director, Tobacco Tax & Legal Compliance
Kretek International, Inc.



Division of
Advertising Practices

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

February 6, 2018

Mr. Hoo Tjhiang Han
Kretek International, Inc.
5449 Endeavor Court
Moorpark, CA 93021

Dear Mr. Han:

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 Kretek International, Inc. (“Kretek”) on February 5, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dreams brand of cigarettes.

Kretek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on January 13, 2016 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, Kretek’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following five king-size, clam-shell hard pack varieties of the Dreams brand: California, Midnight, Menthol, Natural, and Pink.

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 Kretek’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Kretek’s packaging. Moreover, it is

¹ Kretek stated in its February 5, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2016.

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. Hoo Tjhiang Han
February 6, 2018
Page 2

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

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

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

This approval is effective on the date of this letter and runs through February 5, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,



Mary K. Engle
Associate Director

LAW OFFICES OF
FINGER, ROEMER, BROWN & MARIANI, L.L.P.
102 WEST THIRD STREET, SUITE 200 B, LOBBY LEVEL
WINSTON-SALEM, NORTH CAROLINA 27101

M. NEIL FINGER
HENRY C. ROEMER, III, P.C.
ANDREW G. BROWN
PIETER R. MARIANI

TELEPHONE (336) 723-4311
TELEFAX (336) 759-0965
henry@hcroemerlaw.com

OTHER OFFICE:
105 SOUTH BRIDGE STREET
P.O. BOX 8
JONESVILLE, N.C. 28642
(336) 835-4000

February 16, 2018

Via FedEx

Ms. Mary K. Engle
Associate Director
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Drop CC-10528
Washington, DC 20580

Re: Request for Renewal of Approved Warning Statement Rotation Plan for packaging for the brand LAGUNAS (international-size, hard-pack style: Smooth Select and Menthol Select)

Dear Ms. Engle:

I am writing this letter on behalf of Kretek International, Inc. ("Kretek"), the importer for the above indicated products.

In a letter from you dated February 17, 2017, the Federal Trade Commission approved a certain health warning rotation plan for packaging on behalf of Kretek (the "Existing Plan").

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

Kretek uses a calendar based fiscal year that runs from January through December. As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the equalization alternative because during Kretek's fiscal year 2017: (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) Kretek anticipates its sales for fiscal year 2018 for any one brand style of cigarettes it manufactures or imports will not exceed [REDACTED] sticks.

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

Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to Sallie Schools dated January 13, 2011 in connection with the Existing Plan. We will display the four health warnings an equal number of times on the

Ms. Mary K. Engle
February 16, 2018
Page 2

packs and cartons for each brand style for the one (1) year period beginning on the date of approval of this plan. We will keep records demonstrating compliance with the plan.

Kretek currently also imports the TAJ MAJAL and DREAMS brand families of cigarettes. Kretek does not itself manufacture or fabricate any cigarettes.

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

Kretek agrees to maintain records to demonstrate compliance with the Plan. The company officials responsible for overseeing this matter are listed below.

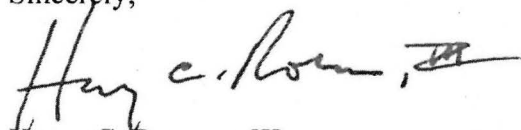
Mr. Don Gormley, Chief Financial Officer
Kretek International, Inc.
5449 Endeavour Court
Moorpark, CA 93021

Telephone number: (805) 531-8888

Please grant Kretek approval of this Renewed Plan. It is hoped that you can grant this approval **as soon as possible**. If you could fax or email us the approval, it would be most appreciated.

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink that reads "Henry C. Roemer, III". The signature is written in a cursive style with a prominent "H" and "R".

Henry C. Roemer, III

HCRiii/mhr

cc: Mr. Don Gormley



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

Division of
Advertising Practices

February 20, 2018

Henry C. Roemer, III
Finger, Roemer, Brown & Mariani, L.L.P.
102 West Third Street, Suite 200 B, Lobby Level
Winston-Salem, NC 27101

Dear Mr. Roemer:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Kretek International, Inc. ("Kretek"), on February 16, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for two international-size hard pack varieties of the Lagunas brand of cigarettes.

Kretek's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated January 13, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Kretek's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following two international-size hard pack varieties of the Lagunas brand: Smooth Select and Menthol Select.

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

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

¹ Kretek stated in its February 16, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 13, 2011.

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.

Henry C. Roemer, III
February 20, 2018
Page 2

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

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

Please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

This approval is effective on the date of this letter and runs through February 19, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



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

February 20, 2018

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

**RE: COMMONWEALTH BRANDS, INC.
PACKAGING CHANGES FOR USA GOLD PACKS**

Dear Ms. Engle:

Commonwealth Brands, Inc. had a plan approved by the FTC on April 13, 2017 to display the four health warnings on twenty (20) varieties of the USA Gold brand of cigarettes.

Commonwealth Brands hereby requests approval of a plan to replace packs for the following seven (7) brand styles of USA Gold:

USA Gold Red King Box
USA Gold Red 100's Box
USA Gold Gold King Box
USA Gold Gold 100's Box
USA Gold Menthol Gold 100's Box
USA Gold Menthol King Box (Dark Green Packaging)
USA Gold Menthol 100's Box (Dark Green Packaging)

The revision is being requested as the pack has been redesigned to remove reference to the URL from the inside flap of the pack and to make the Surgeon General's Warning more prominent by placing it in a rectangle with the borders clearly outlined.

Sample packs were included with the letter dated January 10, 2018 for your review and approval. No change is being requested to the previously approved cartons.

Ms. Mary Engle
February 20, 2018
Page Two

The new packs for the above seven (7) brand styles of USA Gold will replace the USA Gold packs that are currently approved by the FTC. The four health warnings will appear exactly as shown on the samples submitted with the January 10, 2018 letter. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act. We will continue to keep records demonstrating compliance with our plan.

The new packs will not alter the equalization of the four health warnings under Commonwealth Brands' previously approved plan for USA Gold. Commonwealth Brands intends to utilize the current USA Gold packaging until the packaging runs out – which we anticipate will occur sometime during the 2018 calendar year, therefore, we do not anticipate that any of the current USA Gold packaging will be destroyed. If approved, Commonwealth Brands expects to begin utilizing the packs submitted with the January 10, 2018 letter during the second or third calendar quarter of 2018. Commonwealth Brands will continue to be in compliance with its approved plans for advertising and internet advertising of the USA Gold brand.

If you require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine Bowen Barker".

Geraldine Bowen Barker
Associate General Counsel
714 Green Valley Road
Greensboro, NC 27408
Phone: 336.335.7260
Geraldine.barker@itgbrands.com

Selected packaging samples from those
submitted with the plan.

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



GOLD

MADE IN USA

USA
GOLD

COMMONWEALTH
BRANDS, INC.
MFG REIDSVILLE
NC 27320

FSC



0 906173 3



USA
GOLD
GOLD

01PK28263/001
WN/A



MADE IN USA



USA
GOLD
GOLD



USA
GOLD
GOLD

UNDERAGE SALE
PROHIBITED

USA
GOLD





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

Division of
Advertising Practices

February 22, 2018

Ms. Geraldine Bowen Barker
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, Commonwealth Brands, Inc.’s (“Commonwealth”) plan 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 was approved on April 13, 2017. As described in your letter dated February 20, 2018, you now propose to modify the packaging for certain varieties of the USA Gold brand.

It appears that the health warnings on the modified packs for the Red Kings Box, Red 100’s Box, Gold Kings Box, Gold 100’s Box, Menthol Gold 100’s Box, Menthol Kings Box (Dark Green Packaging), and Menthol 100’s Box (Dark Green Packaging) varieties of the USA Gold brand submitted with your letter dated January 10, 2018 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission’s April 13, 2017 approval of Commonwealth’s plan for simultaneous display of the warnings on packaging for its cigarettes runs through April 12, 2018 (or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first) and that this letter does not extend that approval period.

Please note that this is not an approval of any other design element, statement, or representation made on packaging or in advertising for Commonwealth’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Commonwealth’s packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but

¹ Commonwealth stated in its February 20, 2018 letter that it intends to run out its existing inventory of approved packs for these varieties of the USA Gold brand.

Ms. Geraldine Bowen Barker

February 22, 2018

Page 2

not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

Very truly yours,

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

Mary K. Engle
Associate Director

February 22, 2018

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

VIA HAND DELIVERY

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 and Nashville**

Dear Sir / Madam:

This plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes and for the display of health warnings on certain advertising for Nashville brand cigarettes (the "Plan") is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), whose Senior Vice President, Manufacturing Operations is Bennett Lee Welchons. WRT is located at 4792 Potato House Court, Wilson, NC 27893. Please be advised that WRT moved its business premises. WRT's prior address was 215 Evergreen Drive, Springfield, TN 37172 (with a mailing address of PO Box 129, Springfield, TN 37172).

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes was approved on February 24, 2017. WRT now wishes to apply for a new plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes.

In addition, 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; and, a plan for the display of health warnings on internet advertising for Nashville brand cigarettes that was approved on March 13, 2006. WRT now also requests approval to display health warnings on certain (non-internet) advertising for the Nashville brand cigarettes.

I. Background

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

WRT intends to manufacture American Bison and Nashville brands of cigarettes. WRT intends to manufacture the American Bison brand of cigarettes in the five (5) brand styles listed in Schedule A, attached hereto. WRT intends to manufacture the Nashville brand of cigarettes in the ten (10) brand styles listed in Schedule B, attached hereto. WRT seeks approval for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes for the brand styles listed in Schedules A and B, respectively. 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 approval 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 and Nashville brand styles manufactured by WRT:

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

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

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

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

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

equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of all five (5) American Bison brand styles and on all ten (10) Nashville brand styles for the one year period beginning on the Effective Date.

The estimated annual sales volume for fiscal year 2018 (October 1, 2017 – September 30, 2018) for the American Bison and Nashville brand styles are set forth in Schedules A and B, respectively. For fiscal year 2017 (October 1, 2016 – September 30, 2017), the sales volume for any one brand style of cigarettes manufactured or imported by WRT did not exceed one-fourth of one percent of all cigarettes sold in the United States in that year. Further, WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. 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 and Nashville brand styles listed in Schedules A and B, respectively.

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 and Nashville cigarettes. The warning labels will appear on the packs and cartons of each of the brand styles of the American Bison and Nashville brand cigarettes listed in Schedules A and B, respectively, exactly as they appeared on the packaging submitted to the FTC with WRT's letter dated January 23, 2018.

III. Advertising

WRT intends to advertise the Nashville cigarettes on certain promotional materials.

A. Beginning on the Effective Date, the following label statements required by 15 U.S.C. §1333(a)(2), shall be rotated in advertisements for the Nashville brand of cigarettes 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. The warning labels on WRT's advertising for the Nashville brand cigarettes shall be rotated according to the dates listed in Schedule C attached hereto.

C. WRT will comply with the format requirements of the Act by utilizing the warning formats submitted with the 1985 plans of the five (5) leading U.S. Cigarette manufacturers and place the warnings as specified in those plans. No such advertisements shall exceed 720 square inches. Copies of the warning formats were provided with WRT's letter to the FTC on January 23, 2018.

D. Any advertisement prepared for which a label statement is required on or after the Effective Date, shall bear the label statement referenced in Schedule C for the quarter in which the artwork for such advertisement is first delivered in final form for production of the advertisement, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed; provided however, that the deliveries described in this subparagraph D shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this subparagraph.

E. Any advertisement that includes multiple brands or for no specific brand shall follow the health warning rotation schedule for the Nashville brand of cigarettes.

IV. Miscellaneous

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

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

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

Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

SCHEDULE A

The following is a list of the American Bison cigarette brand styles that WRT will manufacture and the estimated annual sales volume in cigarettes for fiscal year 2018 (October 1, 2017 to September 30, 2018) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Estimated Sales Volume</u>
American Bison	King / Box	Blue Gold Yellow Green (Menthol) Dark Green (Menthol)	

SCHEDULE B

The following is a list of the Nashville cigarette brand styles that WRT will manufacture and the estimated annual sales volume in cigarettes for fiscal year 2018 (October 1, 2017 to September 30, 2018) for each brand style.

<u>Brand</u>	<u>Size / Packaging</u>	<u>Brand Style</u>	<u>Estimated Sales Volume</u>
Nashville	Kings / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	
	100's / Box	Red	
		Gold	
		Silver	
		Green (Menthol)	
		Black (Menthol)	

SCHEDULE C

Quarterly Rotation Schedule for Advertising

	Nashville	American Bison
1 st Quarter (January. – March)	A	D
2 nd Quarter (April – June)	B	A
3 rd Quarter (July – September)	C	B
4 th Quarter (October – December)	D	C

The warnings are as follows:

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

Selected packaging samples from those
submitted with the plan.

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

AMERICAN BISON



Wind River Tobacco Co., LLC
Wilson, NC 27893

Sale only allowed in the United States

FSC



MADE IN USA

AMERICAN BISON

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



Our premium quality
cigarette delivers a smooth
smoking experience with an
unmistakably rich taste.
A truly perfect blend, created
by true master craftsmen
and proudly made in the USA.

Green Meadows

EXPERTLY CRAFTED

AMERICAN BISON



AMERICAN BISON



Underage
Sale
Prohibited

GREEN
KING BOX

CLASS A
20
CIGARETTES





10 CIGARETTES

BISON

AMERICAN

BISON

BLUE KING BOX

MADE IN USA



BLUE KING BOX

AMERICAN BISON

BISON

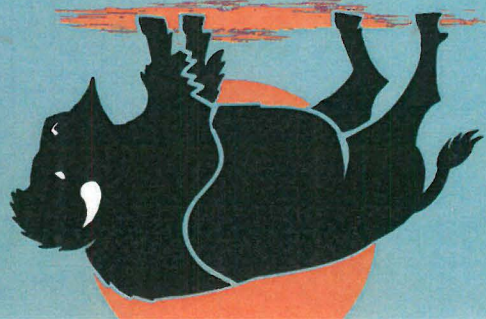


AMERICAN BISON



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

200 CLASS A CIGARETTES



AMERICAN BISON

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

NASHVILLE
20 CLASS A CIGARETTES



SMOOTH BLEND

Wind River Tobacco Co., LLC
Wilson, NC 27789
Made in USA

Sale only allowed in the United States



NASHVILLE
KINGS
SILVER BOX

Visit us at windrivertobacco.com
Please Don't Litter

SMOOTH BLEND



NASHVILLE
20 CLASS A CIGARETTES

NASHVILLE
KINGS
SILVER BOX

Underage
Sale
Prohibited



NASHVILLE

200 CLASS A CIGARETTES

SMOOTH BLEND

NASHVILLE
KINGS
RED BOX

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

SMOOTH BLEND

NASHVILLE

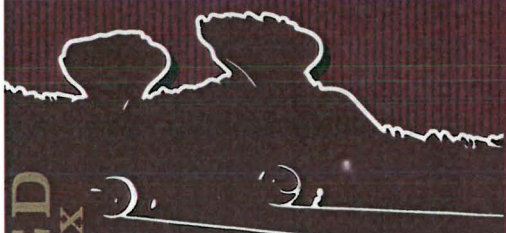
200 CLASS A CIGARETTES



NASHVILLE
200 CLASS A CIGARETTES



SMOOTH BLEND





Division of
Advertising Practices

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

February 27, 2018

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 February 22, 2018, calling for: (1) quarterly rotation of the four health warnings in advertising up to seven hundred and twenty square inches in size for the Nashville brand of cigarettes; (2) modification of WRTC's previously approved schedule for quarterly rotation of the four health warnings in advertising; and (3) 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 plan for quarterly rotation of the warnings in the aforementioned advertising for the Nashville brand of cigarettes, and for modification of WRTC's previously approved schedule for quarterly rotation of the four health warnings in advertising is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

Finally, 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 letter dated January 23, 2018 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 effective on the date of this letter through **February 26, 2019**:

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

¹ WRTC stated in its February 22, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

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.

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

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

Please note that this letter only approves WRTC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings in advertising and on packaging for WRTC's cigarettes. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

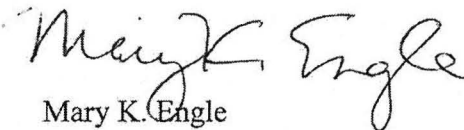
³ As set forth in its February 22, 2018 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the "Nashville Green (Menthol) Kings box," "Nashville Black (Menthol) Kings box," "Nashville Green (Menthol) 100's box," and "Nashville 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.
February 27, 2018
Page 3

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in dark ink and is positioned to the right of the typed name.

Mary K. Engle
Associate Director



Goodrich Tobacco Company

March 5, 2018

SENT VIA US MAIL

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the annual renewal approval of the alternative method to the quarterly Surgeon General Warning rotation plan on packaging of the following two (2) varieties of the Magic cigarette brand:

Magic King Size Box
Magic Menthol King Size Box

This cigarette brand is manufactured in the United States for Goodrich Tobacco Company, LLC by NASCO Products, LLC. Upon approval of this plan, the contract manufacturer will continue to manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033). The RED SUN cigarette brand has been discontinued and will no longer be manufactured or sold.

The products submitted with this plan will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act and therefore satisfactory to the Federal Trade Commission ("FTC"). The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type required by the FTC. The warnings will be placed on the product in an authorized location, a location which will be acceptable to the FTC and which complies with applicable labeling statutes. The warnings will appear exactly as they do on the packs and cartons of the two (2) styles of the Magic cigarette brand submitted with our February 2, 2017 letter. The packaging for the two (2) styles of the Magic cigarette brand submitted with our February 21, 2011 letter will no longer be used.

Goodrich Tobacco Company, LLC believes that its anticipated low sales volume of the Magic cigarette brand fits the criteria for the alternative to quarterly rotation of warnings on packaging,

provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Sales estimates for the 2018 fiscal year of the brand styles listed above are provided on Exhibit A. Magic cigarette sales figures for the previous fiscal year, 2017, were less than [REDACTED]. In fiscal year 2017, Goodrich Tobacco Company, LLC did not manufacture or import any brands other than those listed in Exhibit A. Goodrich Tobacco Company LLC does not anticipate that sales of any one brand style of its Magic brand will exceed [REDACTED] sticks for the one year period to be covered by this plan.

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

There have been no changes to the prior approved advertising plan of the RED SUN and Magic cigarette brands. Goodrich Tobacco Company, LLC continues to be in compliance with its advertising plan.

Goodrich Tobacco Company, LLC is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Goodrich Tobacco Company, LLC will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone), 716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 8560 Main Street, Williamsville, NY 14221.

Sincerely,



Karen E. Delaney
Tax Compliance Manager



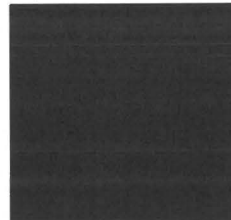
Goodrich Tobacco Company

EXHIBIT A

Actual Sales for Fiscal Year 2017

Magic King Size Box
Magic Menthol King Size Box

RED SUN King Size Box
RED SUN Menthol King Size Box



Estimated Sales Figures for Fiscal Year 2018

Magic King Size Box
Magic Menthol King Size Box

RED SUN King Size Box
RED SUN Menthol King Size Box





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

Division of
Advertising Practices

March 5, 2018

Ms. Karen E. Delaney
Goodrich Tobacco Company, LLC
8560 Main Street
Williamsville, NY 14221

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Goodrich Tobacco Company, LLC (“Goodrich”) on March 5, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain king size box varieties of the Magic brand of cigarettes.

Goodrich’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated February 2, 2017 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Goodrich’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the Magic King box and Magic Menthol King box varieties.

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 Goodrich’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation, size, and conspicuousness of the warnings on Goodrich’s packaging. Moreover, it is not in any way an approval of any other design element, statement, or representation made on

¹ Goodrich stated in its March 5, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on February 2, 2017.

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

Ms. Karen E. Delaney

March 5, 2018

Page 2

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

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

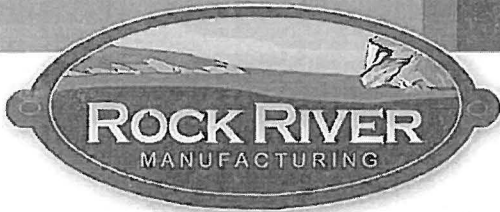
This approval is effective on the date of this letter and runs through March 4, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,

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

Mary K. Engle
Associate Director



www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
PH 402.878.4003
FX 402.878.2919

A DIVISION OF HO-CHUNK, INC.

Mary K. Engle
Associate Director, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
MailDrop CC-10528
Washington, DC 20580
Attn: Bonnie McGregor

February 21, 2018

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

Dear Ms. Engle & Ms. McGregor:

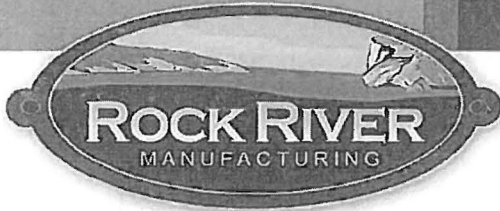
Please find enclosed Rock River Manufacturing update to its existing warning label plan for Silver Cloud, Fire Dance, and One Spirit brand of cigarette. April 26, 2017, Rock River submitted a cigarette health warning display plan for Silver Cloud 100's and Kings, Fire Dance, and One Spirit brand styles. This plan was approved on April 27, 2017. Rock River now submits packaging for its new brand Renards, and its imported brands Seneca, Opal, and Couture for approval. Rock River is not seeking renewal of its Silver Cloud non-Silver Band packaging style.

I. PACKAGING

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

A. Warning Label Size and Location

We wish to establish a plan for the following brand styles:



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509 Reuben Snake Ave.
Winnebago, NE 68071
PH 402.878.4003
FX 402.878.2919

A DIVISION OF HO-CHUNK, INC.

Renards Full Flavor 100's Box
Renards Smooth 100's Box
Renards Extra Smooth 100's Box
Renards Menthol 100's Box

Renards Full Flavor King Box
Renards Smooth King Box
Renards Extra Smooth King Box
Renards Menthol King Box

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

Seneca Full Flavor Soft 100
Seneca Blue Soft 100
Seneca Silver Soft 100
Seneca Menthol Soft 100
Seneca Smooth Menthol Soft 100
Seneca Extra Smooth Menthol Soft 100
Seneca Full Flavor Box 100
Seneca Medium Box 100
Seneca Blue Box 100
Seneca Silver Box 100
Seneca Menthol Box 100
Seneca Smooth Menthol Box 100
Seneca Extra Smooth Menthol Box 100

Seneca Full Flavor Box King
Seneca Medium Box King
Seneca Blue Box King
Seneca Silver Box King
Seneca Menthol Box King
Seneca Smooth Menthol Box King
Seneca Non-Filter Box King
Seneca Chill Box King

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

Seneca Full Flavor 72 Box
Seneca Blue 72 Box
Seneca Menthol 72 Box

Couture Slims Ruby 100 Box
Couture Slims Amethyst 100 Box
Couture Slims Diamond 100 Box
Couture Slims Sapphire 100 Box
Couture Slims Turquoise 100 Box
Couture Slims Aquamarine 100 Box

Opal Full Flavor Box 120
Opal Smooth Box 120
Opal Ultra Box 120
Opal Menthol Box 120
Opal Smooth Menthol Box 120

The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the



A DIVISION OF HO-CHUNK, INC.

foregoing Renards brand styles exactly as they appear on the samples that Rock River submitted on September 28, 2017, and for Seneca, Opal and Couture brands exactly as they appeared on the samples Rock River submitted on January 30, 2015 and June 15, 2015.

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

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

Rock River's sales figures for all of the brand styles of the manufactured Silver Cloud, Fire Dance, Renards, and imported Seneca, Couture, and Opal brands for the fiscal year of January 1, 2017 through December 31, 2017 by style by sticks are as follows:

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
Seneca Full Flavor Soft King	
Seneca Blue Soft King	
Seneca Silver Soft King	
Seneca Menthol Soft King	
Seneca Smooth Menthol Soft King	
Seneca Full Flavor Soft 100	
Seneca Blue Soft 100	
Seneca Silver Soft 100	
Seneca Menthol Soft 100	
Seneca Smooth Menthol Soft 100	
Seneca Extra Smooth Menthol Soft 100	
Seneca Full Flavor Box King	
Seneca Medium Box King	
Seneca Blue Box King	
Seneca Silver Box King	
Seneca Menthol Box King	
Seneca Smooth Menthol Box King	
Seneca Non-Filter Box King	
Seneca Chill Box King	
Seneca Full Flavor Box 100	
Seneca Medium Box 100	
Seneca Blue Box 100	



www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
PH 402.878.4003
FX 402.878.2919

A DIVISION OF HO-CHUNK, INC.

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
Renards Full Flavor King Box	
Couture Slims Ruby 100 Box	
Couture Slims Amethyst 100 Box	
Couture Slims Diamond 100 Box	
Couture Slims Sapphire 100 Box	
Couture Slims Turquoise 100 Box	
Couture Slims Aquamarine 100 Box	
Opal Full Flavor Box 120	
Opal Smooth Box 120	
Opal Ultra Box 120	
Opal Menthol Box 120	
Opal Smooth Menthol Box 120	

Rock River also plans to manufacture One Spirit brand, [REDACTED] in 2017. Rock River does not import or manufacture any other brands or brand styles than those listed above. Rock River estimates that its total sales for all Silver Cloud, Fire Dance, One Spirit, Seneca, Couture, Opal, and Renards for the fiscal year 2018 will total [REDACTED] sticks.

Based on the foregoing sales volume, it appears that Seneca, Opal, Couture and the new Renards brand style qualify for warning label equalization as sales of each of our brand styles were less than one-fourth (1/4th) of one percent (1%) of all the cigarettes sold in the United States.

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

C. Records of Compliance

Rock River will maintain records demonstrating compliance with this plan at its principal place of business.



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II ADVERTISING

Rock River's July 7, 2015 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Silver Cloud brand was approved on July 10th, 2015. Rock River's April 26, 2017 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size and for internet advertising for the One Spirit and Fire Dance brands was approved on April 27, 2017. Rock River will maintain compliance with these plans.

A. Warning Label Size and Placement

Rock River does not advertise the Seneca, Couture, Opal, or Renards brands, and if Rock River decides to advertise, Rock River will submit a plan to the FTC prior to the advertising of those brands.

B. Warning Label Rotation

Rock River will maintain the following quarterly rotation schedule for advertising of the Silver Cloud, One Spirit, and Fire Dance brands using the four required warning statements.

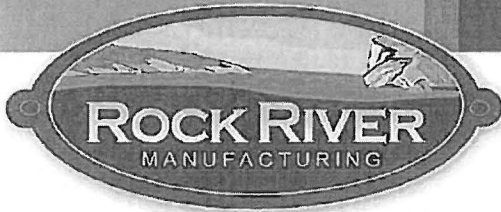
A. SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema And May Complicate Pregnancy.

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

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

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

		Silver Cloud	Fire Dance	One Spirit
First Quarter	(January- March):	A	B	C
Second Quarter	(April – June):	B	C	D
Third Quarter	(July-September):	C	D	A
Fourth Quarter	(October-December):	D	A	B



A Division Of Ho-Chunk, Inc.

www.rockrivermfg.com

509 Reuben Snake Ave.
Winnebago, NE 68071
PH 402.878.4003
FX 402.878.2919

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Zebrowski", is written over a horizontal line. The signature is fluid and cursive.

Joseph M. Zebrowski
Director of Legal
701 Buffalo Trail
Winnebago, NE 68071
Phone: 402-878-2300

Selected packaging samples from those
submitted with the plan.



RENARDS

FULL FLAVOR
100s

RENARDS

FULL FLAVOR
100s

FULL FLAVOR
100s

RENARDS

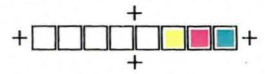


FULL FLAVOR
100s

RENARDS
FULL FLAVOR
100s

FULL FLAVOR
100s

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



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

WN-A



MANUFACTURED
UNDER THE
AUTHORITY OF THE
RENARDS
MANUFACTURING
COMPANY
100% U.S. TOBACCO
MADE IN USA
FSC TP-NE-15000

9

20 CLASS
A
CIGARETTES

UNDERAGE
SALE
PROHIBITED

M-1 2 3 4 5 6 7 9 10 11 12
Y-17 18 19 20

6



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

RENNARDS

FULL FLAVOR

KINGS

RENNARDS

FULL FLAVOR

KINGS

MANUFACTURED UNDER THE
AUTHORITY OF THE
RENNARDS
MANUFACTURING
COMPANY
PREMIUM BLEND
MADE IN USA
FSC TP-NE-15000





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

Division of
Advertising Practices

March 7, 2018

Mr. Joseph M. Zebrowski
Rock River Manufacturing
701 Buffalo Trail
Winnebago, NE 68071

Dear Mr. Zebrowski:

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 Rock River Manufacturing (“Rock River”) on February 21, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Couture, Opal, Renards, and Seneca brands of cigarettes.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with 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>
Couture	January 30, 2015
Opal	January 30, 2015
Renards	September 28, 2017
Seneca	January 30, 2015 June 15, 2015

¹ Rock River stated in its February 21, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

- Six "Slims" 100's box varieties of the Couture brand: Ruby, Amethyst, Diamond, Sapphire, Turquoise, and Aquamarine;
- Five box varieties of the Opal brand: Full Flavor 120's, Smooth 120's, Ultra 120's, Menthol 120's, and Smooth Menthol 120's;
- Eight box varieties of the Renards brand: Full Flavor (King and 100's), Smooth (King and 100's), Extra Smooth (King and 100's) and Menthol (King and 100's); and
- Thirty-four varieties of the Seneca brand: Full Flavor King (soft pack and box), Blue King (soft pack and box), Silver King (soft pack and box), Menthol King (soft pack and box), Smooth Menthol King (soft pack and box), Medium King box, Non-Filter King box, Chill King box, Full Flavor 100's (soft pack and box), Blue 100's (soft pack and box), Silver 100's (soft pack and box), Menthol 100's (soft pack and box), Smooth Menthol 100's (soft pack and box), Extra Smooth Menthol 100's (soft pack and box), Medium 100's box, Full Flavor 120's box, Smooth 120's box, Ultra 120's box, Menthol 120's box, Smooth Menthol 120's box, Full Flavor 72's box, Blue 72's box, and Menthol 72's box.

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

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

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. Joseph M. Zebrowski
March 7, 2018
Page 3

www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through March 6, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Donya Jackson at (202) 326-2050.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director

KBIC TOBACCO COMPANY, LLC

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

PH: (906) 353.6623

March 6, 2018

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

Re: Heron & Sands Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

This is our initial plan for the simultaneous display of the Surgeon General's warnings on packaging for Heron and Sands.

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

BOARD OF MANAGERS

Jennifer Misegan, Chair ~ Michael LaFornier, Sr., Vice Chair ~ Doreen Blaker, Secretary ~ Warren C. Swartz, Jr., Treasurer ~
Travis Heron, Member

FEDERAL TRADE COMMISSION
MS MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 6, 2018
PAGE 2

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

No. 33 Black Red King Box
No. 33 Black Gold King Box
No. 33 Black Menthol King Box

The Sands 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 Blue 100's Box

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

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter of January 23, 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. Our estimated sales for all brand styles that we intend to import and manufacture for the 2018 fiscal year (October 1, 2017 – September 30, 2018) are set out in Exhibit A. We had no 2017 sales as we are just starting our manufacturing business. 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 MARY ENGLE ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 6, 2018
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,

KBIC Tobacco Company LLC

A handwritten signature in cursive script, appearing to read "Jennifer Misegan".

Jennifer Misegan, Chair

KBIC Tobacco Company, LLC

Exhibit A

Brand	Style	Estimated 2018 Sales by Stick
Heron	No. 33 Black Red King Box	██████████
Heron	No. 33 Black Gold King Box	██████████
Heron	No. 33 Black Menthol King Box	██████████
Heron	No. 33 Black Red 100 Box	██████████
Heron	No. 33 Black Gold 100 Box	██████████
Heron	No. 33 Black Menthol 100 Box	██████████
Heron	Crimson King Box	██████████
Heron	Red King Box	██████████
Heron	Gold King Box	██████████
Heron	Silver King Box	██████████
Heron	Menthol King Box	██████████
Heron	Menthol Gold King Box	██████████
Heron	Crimson 100 Box	██████████
Heron	Red 100 Box	██████████
Heron	Gold 100 Box	██████████
Heron	Silver 100 Box	██████████
Heron	Menthol 100 Box	██████████
Heron	Menthol Gold 100 Box	██████████
Sands	Red King Box	██████████
Sands	Gold King Box	██████████
Sands	Silver King Box	██████████
Sands	Menthol King Box	██████████
Sands	Menthol Blue King Box	██████████
Sands	Red 100 Box	██████████
Sands	Gold 100 Box	██████████
Sands	Silver 100 Box	██████████
Sands	Menihol 100 Box	██████████
Sands	Menthol Blue 100 Box	██████████

██████████

Selected packaging samples from those
submitted with the plan.

UNDERAGE
SALE
PROHIBITED

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



100'S BOX

A TURN FOR THE BETTER

MADE IN THE USA
TP - MI - 20003
K3MC Tobacco Company, LLC
15129 Bearpaw Road
Ebenau, MI 49829

FSC



7 36211 12527 9

060-000-064 Rev 0

KM



A TURN FOR THE BETTER

100'S BOX



MENTHOL BLUE



MENTHOL BLUE

CLASS A
20
CIGARETTES

A TURN FOR THE BETTER



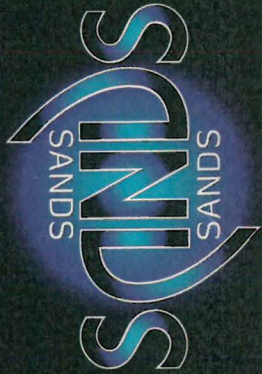
MENTHOL BLUE 100'S BOX

A TURN FOR THE BETTER

MADE IN THE USA
TP - MI - 2003

UNDERAGE
SALE
PROHIBITED

KBIC Tobacco Company, LLC
16429 Beartown Road
Baraga, MI 49908



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

CLASS A

200 CIGARETTES

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

HERON



SINCE 1794
PREMIUM NATIVE BLEND

MADE IN THE USA
TP - MI - 28003
KBR Tobacco Company, LLC
6429 Boardman Road
Barab, WI 53009

FSC



HERON

MENTHOL_GOLD KINGS

060-005-005

KM

SINCE 1794
PREMIUM NATIVE BLEND

HERON

MENTHOL_GOLD



MENTHOL_GOLD KINGS

HERON

UNDERAGE
SALE
PROHIBITED

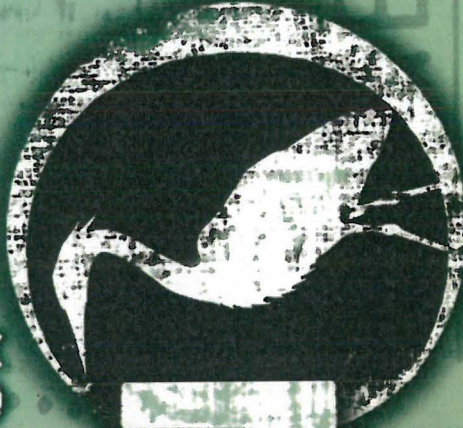
MENTHOL_GOLD
KINGS BOX



MENTHOL-GOLD

060-006-006 Rev 0
KM

KINGS BOX



HERON

PREMIUM BLEND
SINCE 1794
NATIVE



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

MADE IN THE USA
TP - MI - 20003

UNDERAGE
SALE
PROHIBITED

KBIC Tobacco Company, LLC
16429 Beartown Road
Baraga, MI 49908

FSC



MENTHOL-GOLD



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

Division of
Advertising Practices

March 8, 2018

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 6, 2018, 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 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 6, 2018 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 those 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 ("FSPTCA") concerning the rotation, size, and conspicuosity of the warnings on KBIC's packaging. 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 FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

Finally, please note that Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to FDA.

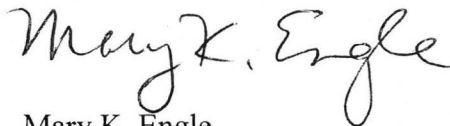
This approval is effective on the date of this letter and runs through March 7, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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. Jennifer Misegan
March 8, 2018
Page 3

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in black ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director



March 8, 2018

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Engle,

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

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

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

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

For this new plan year, 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 (new this year, awaiting approval)
Decade Platinum Gold King's (new this year, awaiting approval)
Decade Platinum Red 100's (new this year, awaiting approval)
Decade Platinum Gold 100's (new this year, awaiting approval)
Decade Platinum Menthol 100's (new this year, awaiting approval)

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.

Included with this submission are samples of actual cartons and packs displaying the four different required warnings for the following new 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 style for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands.

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

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

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

Sincerely,



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 (2017)	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 [redacted]

Approximately [redacted] of all cigarettes sold in the US in 2017

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

Selected packaging samples from those
submitted with the plan.

DECADE

Platinum

20 CLASS A
CIGARETTES
©2018 CHEYENNE
INTERNATIONAL, LLC
11000 W. 12TH AVE.
DENVER, COLORADO 80202
DENVER.FILMSTATION.COM

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



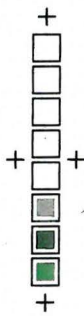
USA

DECADE

Platinum

Menthol 100

USA



DECADE

Platinum

DECADE

Platinum

Menthol 100

UNDERAGE
SALE
PROHIBITED

US

DECADE

Platinum

10 PACKS OF 20 CLASS A CIGARETTES

Red 100 B

Red 100 B

DECADE

Platinum

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



0 39517 82184 6



Division of
Advertising Practices

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

March 20, 2018

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 proposed plan filed by Cheyenne International, LLC ("Cheyenne"), on March 8, 2018, 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 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 8, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 10, 2016 and March 8, 2018.

Mr. David A. Scott
March 20, 2018
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.

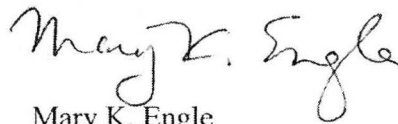
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through March 19, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

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

X C A L I B E R

INTERNATIONAL LTD., LLC.

Eric Barkley Estes
General Counsel

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

March 16, 2018

Via Federal Express – Overnight Delivery

Ms. Mary K. Engle
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,” and “Sport”

Dear Ms. Engle:

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 July 13, 2017, for the packaging of the brand families “24/7,” “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” 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 29, 2013, August 9, 2013, and July 11, 2016. 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 our July 2017 plan.

Please note Xcaliber's plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2). Xcaliber hereby states that the yearly sales volume for 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, 2017, were [REDACTED] sticks. A schedule is attached reflecting Xcaliber's total sales for fiscal year 2017 and the first month of fiscal year 2018. 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.

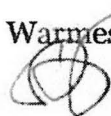
- c. Records of Compliance. Xcaliber maintains a record of the affidavits provided by its print supplier confirming the procedures outlined above. When each order arrives, a set of samples of each warning from each brand style is kept along with the affidavit in Xcaliber's records. Both the affidavits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

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

EXETER

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

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

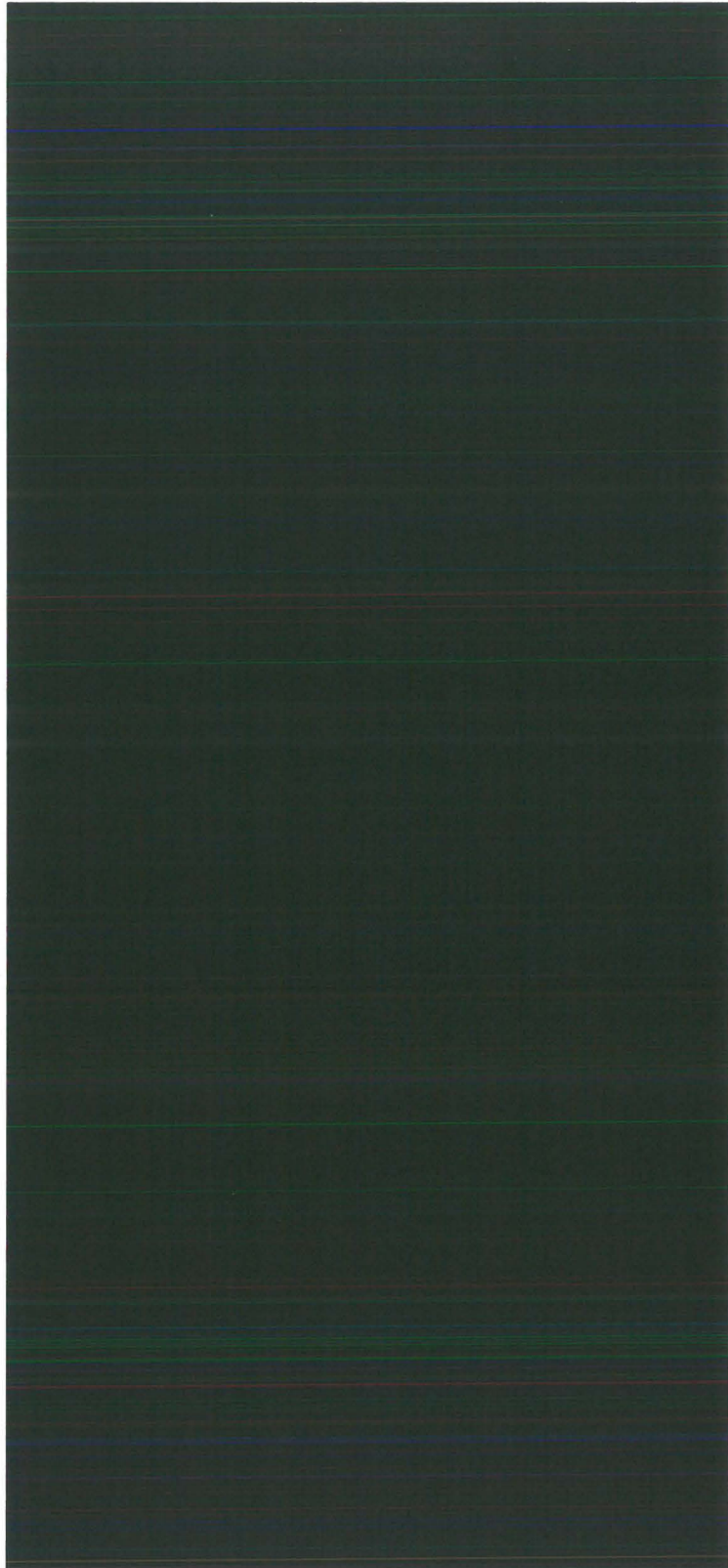
Attachment 2.1. 2016 Sales Data.

The attachment is provided on the following pages.

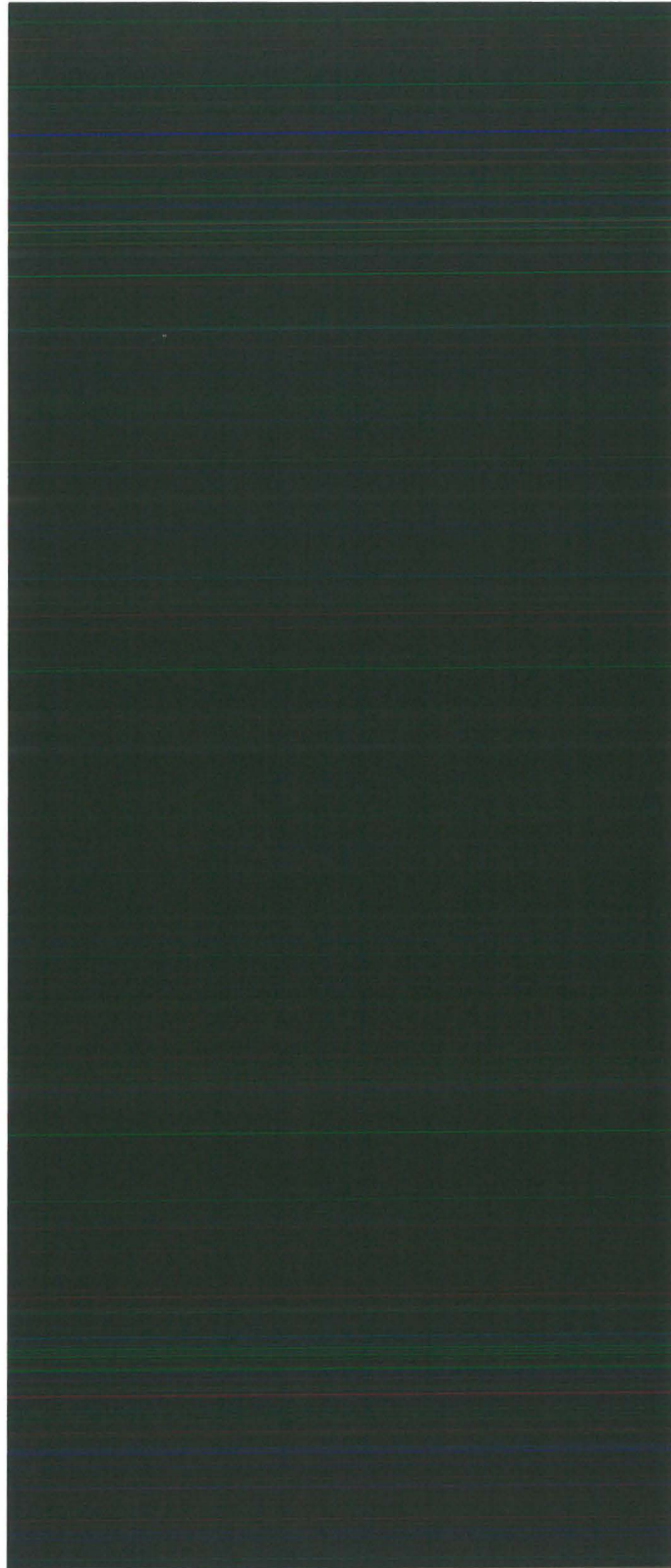
ATTACHMENT 2.1.

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 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
EDGEFIELD BOX KING MENTHOL GOLD
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

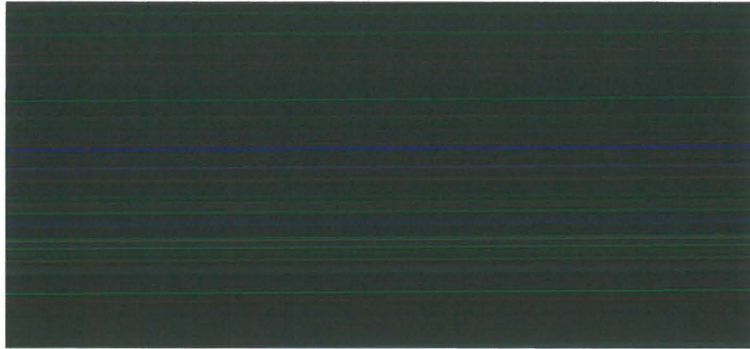


Exeter SP King Gold
Exeter SP King Non Filter
Exeter SP King Red
GOLDEN BLEND BOX 100 GOLD
GOLDEN BLEND BOX 100 MENTHOL
GOLDEN BLEND BOX 100 MENTHOL G
GOLDEN BLEND BOX 100 RED
GOLDEN BLEND BOX 100 SILVER
GOLDEN BLEND BOX KING GOLD
GOLDEN BLEND BOX KING RED
GOLDEN BLEND SP 100 GOLD
GOLDEN BLEND SP 100 MENTHOL
GOLDEN BLEND SP 100 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 GOLD
GSMOKE SP 100 MENTHOL
GSMOKE SP 100 RED
MAINSTREET BOX 100 BLUE
MAINSTREET BOX 100 GOLD
MAINSTREET BOX 100 MENTHOL
MAINSTREET BOX 100 MENTHOL GOL
MAINSTREET BOX 100 RED
MAINSTREET BOX KING GOLD
MAINSTREET BOX KING MENTHOL
MAINSTREET BOX KING RED
MAINSTREET SP 100 BLUE
MAINSTREET SP 100 GOLD
MAINSTREET SP 100 MENTHOL
MAINSTREET SP 100 MENTHOL GOLD
MAINSTREET SP 100 RED
MAINSTREET SP KING GOLD
MAINSTREET SP KING 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

Total:



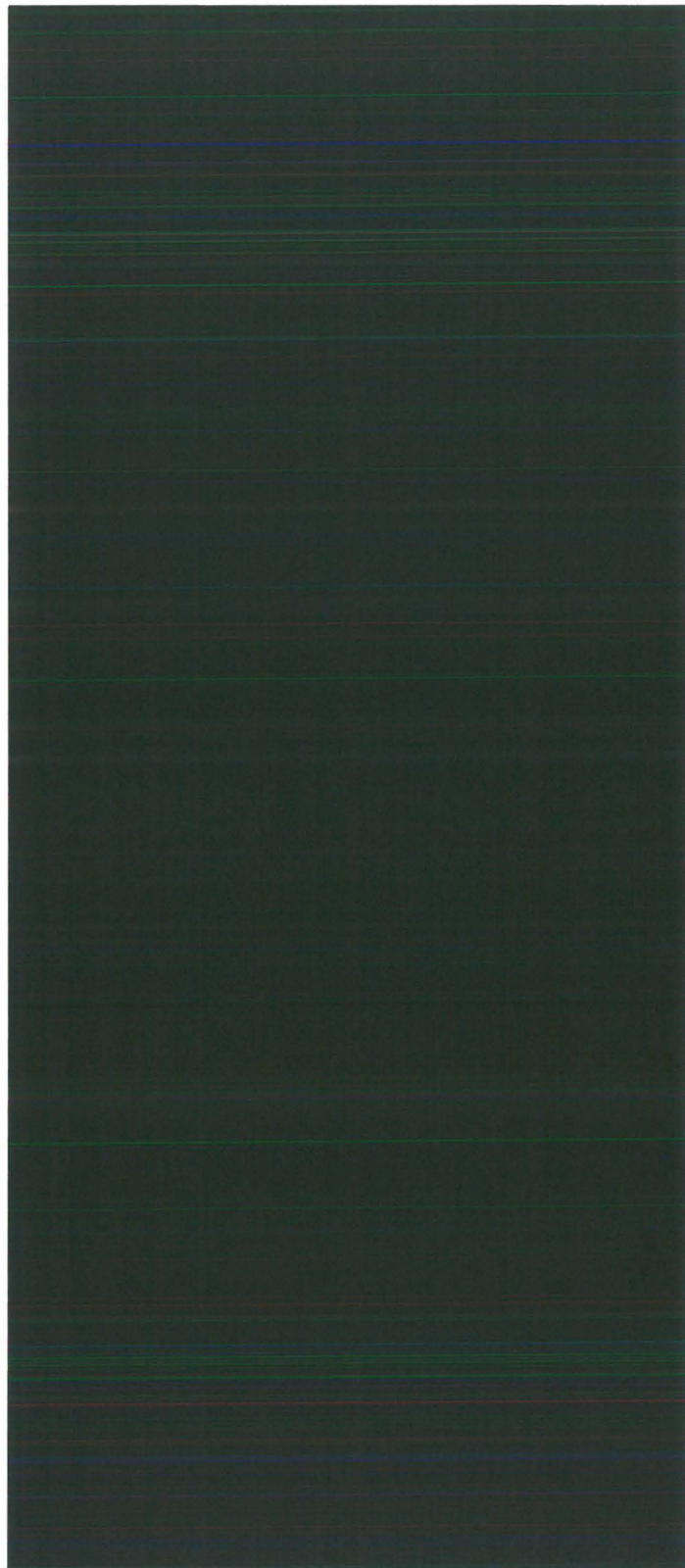
Attachment 2.2. 2017 Sales Data.

The attachment is provided on the following pages.

ATTACHMENT 2.2.

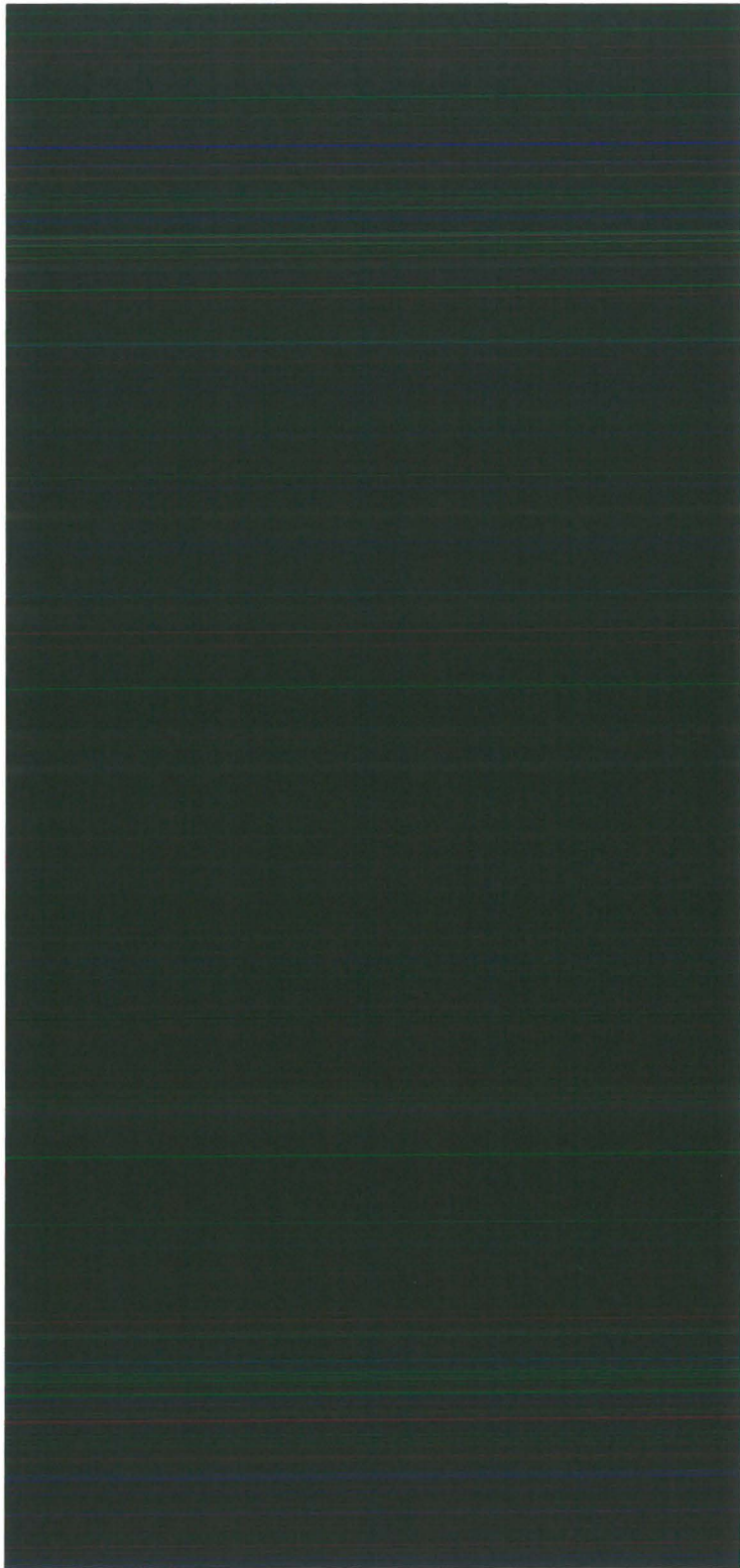
Brands	Cases Shipped	Cartons	Packs	Sticks
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL				
BERKLEY BOX 100 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 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 G
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 RED
GOLDEN BLEND SP KING NON FILTER
GSMOKE BOX 100 GOLD
GSMOKE BOX 100 RED
GSMOKE BOX KING GOLD
GSMOKE BOX KING RED
GSMOKE SP 100 BLUE
GSMOKE SP 100 MENTHOL
MAINSTREET BOX 100 BLUE
MAINSTREET BOX 100 GOLD
MAINSTREET BOX 100 MENTHOL
MAINSTREET BOX 100 MENTHOL GOL
MAINSTREET BOX 100 RED
MAINSTREET BOX KING GOLD
MAINSTREET BOX KING MENTHOL
MAINSTREET BOX KING RED
MAINSTREET SP 100 BLUE
MAINSTREET SP 100 GOLD
MAINSTREET SP 100 MENTHOL
MAINSTREET SP 100 MENTHOL GOLD
MAINSTREET SP 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

Total:





Division of
Advertising Practices

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

March 23, 2018

Mr. Eric Barkley Estes
General Counsel
Xcaliber International, Ltd., LLC
One Tobacco Road
Pryor, OK 74361

Dear Mr. Estes:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC ("Xcaliber") on March 16, 2018, 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, 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 July 11, 2016 (for the 24/7, Berkley, Berley, Golden Blend, Gsmoke, Mainstreet, and Sport brands), and July 29 and August 9, 2013 (for the Echo, Edgefield, and Exeter 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.

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

- 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;

¹ As set forth in its March 16, 2018 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 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 Barkley Estes

March 23, 2018

Page 2

- 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 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;
- 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); 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.² 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 ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on packaging for the approved brands. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Xcaliber's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Xcaliber's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

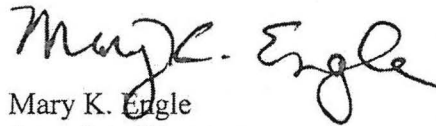
This approval is effective on the date of this letter and runs through March 22, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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. Eric Barkley Estes
March 23, 2018
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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 "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director