



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: October 5, 2023

SUBJECT: Cigarette Labeling and Advertising Act
File No. P854505

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

1. June 30, 2021 letter from Erlind Hill, Native Wholesale Supply Company to Division of Advertising Practices.
2. July 1, 2021 letter from Serena Viswanathan to Erlind Hill, Native Wholesale Supply Company.
3. June 28, 2021 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Bonnie McGregor.
4. July 9, 2021 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
5. July 9, 2021 letter from Yancey Black, King Mountain Tobacco Company, Inc. to Serena Viswanathan.
6. July 14, 2021 letter from Serena Viswanathan to Yancey Black, King Mountain Tobacco Company, Inc.
7. July 7, 2021 letter from Carlos J. Andrieu Collazo on behalf of Castro Business Enterprises, Inc. d/b/a National Guard Exchange to Serena Viswanathan.
8. July 16, 2021 letter from Serena Viswanathan to Carlos J. Andrieu Collazo on behalf of Castro Business Enterprises, Inc.

9. June 9, 2021 letter from Ann Truscio, Joseph M. Anderson d/b/a Smokin Joes to Serena Viswanathan.
10. July 26, 2021 letter from Serena Viswanathan to Ann Truscio, Joseph M. Anderson d/b/a Smokin Joes.
11. August 6, 2021 letter from Karen E. Delaney, NASCO Products, LLC to Serena Viswanathan.
12. August 6, 2021 letter from Serena Viswanathan to Karen F. Delaney, NASCO Products, LLC.
13. July 20, 2021 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Serena Viswanathan.
14. September 14, 2021 letter from Serena Viswanathan to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
15. September 22, 2021 letter from Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc. to Serena Viswanathan.
16. September 23, 2021 letter from Serena Viswanathan to Jennifer Straus, Farmers Tobacco Co. of Cynthiana, Inc.
17. September 24, 2021 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Bonnie McGregor.
18. September 28, 2021 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.



June 30, 2021

Federal Trade Commission
Advertising Practices
6000 Pennsylvania Avenue North West
Washington, D.C. 20580
Mail Drop CC-10528

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations LTD. Native Wholesale Supply requests approval for its 2021 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the cigarette Act on packaging for its Seneca, Opal and couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Elmer Steeprock.

Our previous plan for the simultaneous display of the four health warnings on packages for the Seneca, Couture and Opal brands was approved on June 26, 2020. The company is not seeking any changes to its plan and to date all warnings have been equalized according to date. We now wish to renew our approval for the following brand Styles:

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

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

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

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

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

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

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

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

WE have carefully read the Act and feel our products will still be in full compliance with the "Cigarette Act" Warning Label Display Requirements.

Our sales for 2020 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, 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 brand style of the Seneca, Couture and Opal brands listed above an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The Warnings will appear exactly as shown on the sample packs and cartons for the Seneca, Opal and Couture brands submitted with our June 5, 2019 letter.

The four warnings that will appear on the packs and cartons are:

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.

ADVERTISING

NWS currently has an advertising plan on file with the FTC and will maintain compliance with its May 2, 2006 plan approved May 3, 2006 and its November 19, 2009 plan approved December 9, 2009.

Please advise as quickly as possible of the approval of this plan. Thank you for your kind and prompt attention to this matter.

Yours truly,



Erlind Hill, Manager

Native Wholesale Supply

2020 Brand Sales

Description	TOTALS
Seneca 72's Full Flavor	
Seneca 72's Blue	
Seneca 72's Menthol	
Seneca Full Flavor S/P King	
Seneca Blue S/P King	
Seneca Silver S/P King	
Seneca Menthol S/P King	
Seneca Smooth Menthol S/P King	
Seneca Full Flavor H/L King	
Seneca Blue H/L King	
Seneca Silver H/L King	
Seneca Menthol H/L King	
Seneca Smooth Menthol H/L King	
Seneca Non Filter H/L King	
Seneca Chill H/L King	
Seneca Medium H/L King	
Seneca Full Flavor S/P 100	
Seneca Blue S/P 100	
Seneca Silver S/P 100	
Seneca Menthol S/P 100	
Seneca Smooth Menthol S/P 100	
Seneca Extra Smooth Menthol S/P 100	
Seneca Full Flavor H/L 100	
Seneca Blue H/L 100	
Seneca Silver H/L 100	
Seneca Menthol H/L 100	
Seneca Smooth Menthol H/L 100	
Seneca Extra Smooth Menthol H/L 100	
Seneca Medium H/L 100	
Seneca 120's FF H/L	
Seneca 120's Smooth H/L	
Seneca 120's Ultra H/L	
Seneca 120's MN H/L	
Seneca 120's Smooth Menthol H/L	
Opal FF H/L 120	
Opal Smooth H/L 120	
Opal Ultra H/L 120	
Opal MN H/L 120	
Opal Smooth Menthol H/L 120	
Couture Ruby	
Couture Amethyst	
Couture Diamond	
Couture Sapphire	
Couture Turquoise	
Couture Aquamarine	



Division of
Advertising Practices

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

July 1, 2021

Mr. Erlind Hill
Native Wholesale Supply Co.
P.O. Box 214
Gowanda, NY 14070

Dear Mr. Hill:

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 Native Wholesale Supply Company (“NWSC”) on June 30, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

NWSC’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 June 5, 2019 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ NWSC stated in its June 30, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 5, 2019.

Mr. Erlind Hill

July 1, 2021

Page 2

- Six 100's box varieties of the Couture brand: Slims Ruby, Slims Amethyst, Slims Diamond, Slims Sapphire, Slims Turquoise, and Slims Aquamarine; and
- Five 120's box varieties of the Opal brand: Super Thins Full Flavor, Super Thins Smooth, Super Thins Ultra, Super Thins Menthol, and Super Thins Smooth Menthol.

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

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

This approval is effective on the date of this letter and runs through June 30, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Mr. Erlind Hill
July 1, 2021
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If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

RICHARD
QUARESIMA

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QUARESIMA
Date: 2021.07.01 16:27:07
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Serena Viswanathan
Acting Associate Director

June 28, 2021

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

VIA EMAIL

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

Re: Wind River Tobacco Company, LLC / American Bison 100's Plan Renewal

Dear Ms. McGregor:

This renewal of the plan for the simultaneous display of health warnings on the packaging of the American Bison 100's brand styles of cigarettes (the "Plan") is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT"), located at 4792 Potato House Court, Wilson, NC 27893.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of five (5) American Bison 100's brand styles of cigarettes was approved on July 9, 2020. WRT wishes to renew the Plan.

I. Background

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the 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 cigarettes in 100's size in the five (5) brand styles listed in Schedule A, attached hereto. WRT seeks approval for the simultaneous display of health warnings on the packaging of the American Bison cigarettes in 100's size in the

five (5) brand styles listed in Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of the renewal of this Plan (the “**Effective Date**”) the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the American Bison 100’s 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 100’s 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., 44,000 packs on a pallet and 30,000 cartons on a pallet) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 11,000 packs and 7,500 cartons with warning A, 11,000 packs and 7,500 cartons with warning B, 11,000 packs and 7,500 cartons with warning C and 11,000 packs and 7,500 cartons with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of each of the five (5) American Bison 100’s brand styles for the one-year period beginning on the Effective Date.

WRT’s fiscal year for 2020 was the calendar year (January 1, 2020 to December 31, 2020). Please note that WRT also manufactures American Bison cigarettes in King brand styles and Nashville cigarettes which brands and brand styles are subject to a separate health warning display plan approved by the FTC and WRT manufactures the Teton brand of cigarettes which also is subject to a separate health warning display plan approved by the FTC.

The sales volume for any one brand style of cigarettes manufactured or imported by WRT in fiscal and calendar year 2020, did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one-year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one-year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing the American Bison 100's brand styles of cigarettes. The warning labels will appear on the packs and cartons of each of the American Bison 100's brand styles of cigarettes listed in Schedule A, exactly as they appear on the packaging submitted to the FTC with WRT's letter dated June 2, 2020.

WRT also intends to sell the American Bison 100's brand styles of cigarettes to distributors located in American territories and/or possessions ("US Possessions"). The packaging for products sold to these destinations must include a "tax-exempt" statement. The package designs for the American Bison 100's brand styles sold to entities in US Possessions will be the same as the packaging submitted to the FTC with WRT's letter dated June 2, 2020, except for the inclusion of the "tax-exempt" statement. The package designs for the American Bison 100's brand styles sold to entities in US Possessions also will contain the health warning label statements. Please note that the "tax-exempt" statement on both the packs and cartons of the American Bison 100's brand styles sold to entities in US Possessions will be located on the opposite panel from the health warning label statements and will not affect or interfere with the health warning label statements in any way.

III. Advertising

WRT currently has approved advertising plans in place for the American Bison brand of cigarettes and remains in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for American Bison brand cigarettes that was approved on April 23, 2002; a plan for the display of health warnings on internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; a modification of the previously approved schedule for quarterly rotation of the four warnings in advertising that was approved on February 27, 2018; and, a modification of the plan for the display of health warnings on non-internet advertising for American Bison brand cigarettes that was approved on August 13, 2018. Any advertising of the American Bison brand cigarettes, including the American Bison 100's brand styles shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

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

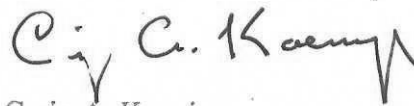
B. Please be advised that the sales volume information contained in this Plan is confidential and contains trade secrets and proprietary business information of WRT. WRT does

not authorize the release of this sales volume information to anyone without WRT's permission, except as specifically required by law.

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

Sincerely,

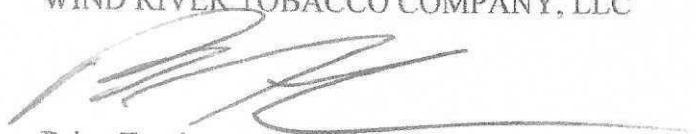
ROETZEL & ANDRESS, LPA



Craig A. Koenigs

Reviewed and agreed by:

WIND RIVER TOBACCO COMPANY, LLC



Brian Tascher
Chief Financial Officer

SCHEDULE A

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

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



Division of
Advertising Practices

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

July 9, 2021

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Wind River Tobacco Company, LLC (“WRTC”) on June 28, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison brand of cigarettes.

WRTC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your June 2, 2020 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC’s plan for simultaneous display of the four health warnings on packaging for the following five box varieties of the American Bison brand is hereby approved: Blue 100’s, Gold 100’s, Yellow 100’s, Green (Menthol) 100’s, and Dark Green (Menthol) 100’s.²

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

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

¹ WRTC stated in its June 28, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on June 2, 2020.

² We note that the word “menthol” does not appear on the packaging of either the “Green (Menthol) 100’s” or “Dark Green (Menthol) 100’s” varieties of the American Bison brand.

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.

Craig A. Koenigs, Esq.

July 9, 2021

Page 2

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

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

This approval is effective on the date of this letter and runs through July 8, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

RICHARD
QUARESIMA

Digitally signed by RICHARD
QUARESIMA
Date: 2021.07.09 07:20:58
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Serena Viswanathan
Associate Director



KING MOUNTAIN TOBACCO COMPANY, INC.
P.O. BOX 422
WHITE SWAN, WASHINGTON 98952
Phone: (509) 874-9935 Fax: (509) 874-3690

July 9, 2021

Attn: Serena Viswanathan
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580

RE: King Mountain Tobacco Company, Inc.

This correspondence represents King Mountain Tobacco Company, Inc's Cigarette Labeling Rotation Renewal Pursuant to 15 U.S.C. §1333(c)(2) for annual approval of the plan of King Mountain Tobacco Company, Inc., for the display of the four health warnings on packaging for its King Mountain Cigarette Brand. Your Office last approved King Mountain's plan for the display of the Health Warnings on the packaging of the King Mountain Cigarettes on July 16, 2020 and there have been no changes in packaging since that time. The warnings will appear exactly as shown on the samples with the letter dated June 18, 2018. Please note we manufacture Fire Safe Cigarettes ("FSC"). Fire Safe Cigarettes are identified by the letters "FSC" in bold above the UPC label on both the cartons and cigarette boxes. All of King Mountain Tobacco's packaging is in the hard pack style.

King Mountain Tobacco Company, Inc., ("KMT") confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. § 1333(a)(1) will appear an equal number of times on the packs and cartons of each of the ten brand styles of Fire Safe King Mountain Cigarettes (listed below) it manufactures during the twelve-month period following approval of this application. In order to ensure equal distribution of the four warnings specified in 15 U.S.C. 1333(a)(1), KMT will require that one-fourth of each order of package and carton materials be printed with each of the four warnings. KMT runs 2 press runs on an alternating sequence to ensure an equal amount of the Surgeon General Warning Labels per order of packaging. Should there be any residual or additional packaging that is needed to be added or subtracted from inventory in order to obtain 100% compliance of the proper Surgeon General Warning rotation as specified in 15 U.S.C. §1333(c)(2), that will be done manually if needed by King Mountain employees before the expiration of the plan.

KMT will keep records demonstrating compliance with this plan.

Sales of King Mountain did not exceed one-fourth of one percent of cigarettes sold in the United States during the calendar year 2020. KMT's fiscal year is the calendar year.



KING MOUNTAIN TOBACCO COMPANY, INC.
P.O. BOX 422
WHITE SWAN, WASHINGTON 98952
Phone: (509) 874-9935 Fax: (509) 874-3690

KMT manufactures King Mountain cigarettes under Tobacco Manufacturing License Number TP-WA-15000. King Mountain is the only brand of cigarettes KMT manufactures and KMT does not import any cigarettes into the United States.

Cigarette labeling in the United States is governed in part by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve months simultaneous display label rotation cycle that KMT requests if:

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

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

15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean: A variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8)

KMT plans to manufacture the following styles of King Mountain:

Red King (Fire Safe)	Red 100s (Fire Safe)
Gold King (Fire Safe)	Gold 100s (Fire Safe)
Blue King (Fire Safe)	Blue 100s (Fire Safe)
Menthol King (Fire Safe)	Menthol 100s (Fire Safe)
Menthol Gold King (Fire Safe)	Menthol Gold 100s (Fire Safe)

King Mountain Tobacco does not import or manufacture any other brand styles. [REDACTED] was the highest selling style with [REDACTED] sticks sold during 2020. This amount is clearly less than "one-fourth of 1 percent of all cigarettes sold in the United States in 2020, as required by 15 U.S.C. §1333(c)(2)(A)(i). Estimated sales for 2021 are [REDACTED] sticks with King Mountain Red selling approximately [REDACTED] of those sticks. KMT originally received approval for our advertising plan on June 25th, 2009, there have been no changes in our advertising plan since that time, and KMT will maintain compliance with that plan.



KING MOUNTAIN TOBACCO COMPANY, INC.
P.O. BOX 422
WHITE SWAN, WASHINGTON 98952
Phone: (509) 874-9935 Fax: (509) 874-3690

If any additional information is required please contact Chris Stanley at 561-325-5921 or at RandCAssociates@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Yancey Black", written in a cursive style.

Yancey Black
General Manager



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

Division of
Advertising Practices

July 14, 2021

Mr. Yancey Black
King Mountain Tobacco Company, Inc.
P.O. Box 422
White Swan, WA 98952

Dear Mr. Black:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. (“KMTC”) on July 9, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the King Mountain brand of cigarettes.

KMTC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated June 18, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, KMTC’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the King Mountain brand: Red (Kings and 100’s), Gold (Kings and 100’s), Blue (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Gold (Kings and 100’s).

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 KMTC’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it

¹ KMTC stated in its July 9, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on June 18, 2018.

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

Mr. Yancey Black

July 14, 2021

Page 2

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

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

This approval is effective on the date of this letter and runs through July 13, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director



July 7, 2021

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

Re: Cigarette Health Warning Rotation Plan Submitted by Castro Business Enterprises d/b/a National Guard Exchange, Inc. for Seneca Brand

Dear Ms. Viswanathan:

On behalf of our client, Castro Business Enterprises, Inc. d/b/a National Guard Exchange (hereinafter “CBE”) we submit the Surgeon General Rotation Plan as required under the *Federal Cigarette Labeling and Advertising Act* of 1984 (hereinafter, “Cigarette Act”). *See* 15 U.S.C. § 1331, *et. seq.* The President of CBE is Mr. Ricky Castro Ortiz, CBE’s telephone number is (787) 509-4661, and CBE’s physical corporate address is 2012 Ave. Gilberto Monroig, San Juan, PR 00912-4241. The cigarettes covered by the proposed plan are cigarettes that are manufactured by Grand River Enterprises Six Nations, Ltd. (hereinafter, “Grand River”) in Canada, which CBE imports to the United States (particularly, Puerto Rico), and are complete with the health warnings that comply with the Surgeon General Warning language set forth in the statute.

The cigarettes covered by this plan are four (4) varieties of the “Seneca” brand, as follows: Premium Full Flavor king size (red) hard packs, Premium Full Flavor 100’s (red) hard packs, Premium Menthol king size (green) hard packs, and Premium Menthol 100’s (green) hard packs. This plan also covers the sale of cartons for each brand style herein listed. For the reasons stated below in detail, CBE respectfully submits that this plan qualifies for approval insofar as all requirements set forth in Section 1333 of the Cigarette Act have been met. Moreover, CBE does not manufacture any cigarettes and this plan submitted for approval includes only the Seneca brand because the Seneca brand is the only cigarette brand that CBE imports into the United States.

More specifically, with regards to Section 1333 of the Cigarette Act, CBE has met the one-fourth of the percent requirement under Section 1333(c), as the number of Seneca brand cigarettes



for each brand style sold by CBE in its fiscal year¹ preceding the submission of this application is less than one-fourth of one percent of all cigarettes sold in the United States in the fiscal year 2020 and more than half of the Seneca brand cigarettes imported by CBE into the United States are packaged into brand styles that meet this low sales threshold. As a result, all of the Seneca brand styles listed herein qualify since all brand styles are below the one-fourth of one percent requirement as set forth above.

The total Seneca brand cigarettes sold by CBE for its fiscal year 2018 was approximately [REDACTED] sticks. CBE did not import, nor did it sell, any Seneca brand cigarettes in its fiscal year 2019. The same is true for its fiscal year 2020. Nonetheless, CBE estimates that it will sell approximately [REDACTED] cigarette sticks of the Seneca brand styles herein listed during its present and succeeding fiscal year. Therefore, CBE qualifies for the alternative to the quarterly rotation of the Surgeon General Health Warnings on packaging. Under this plan, CBE will display the four Surgeon General Health Warnings an equal number of times on the packs and cartons for each brand style of Seneca brand cigarettes for the one year period beginning on the date of approval of this plan. CBE will ensure that the four health warnings are displayed an equal number of times on the packs and cartons of the aforementioned cigarette brand by placing orders for each brand style listed herein, such that each order contains an equal number of each of the four health warnings. Similarly, CBE will monitor the importation of the Seneca brand cigarettes and maintain a log to ensure that the four health warnings are displayed an equal number of times on the packs and cartons.

CBE will maintain records of compliance with the approved plan. CBE will ensure that the Seneca brand cigarettes imported by CBE meet all United States packaging requirements including the location and display of the Surgeon General Health Warnings. The four health warnings to be used in equal rotation on the packs and cartons 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.

¹ CBE's fiscal year is the one-year period that begins on January 1st and ends on December 31st, based on the regular calendar year.



These four health warnings on Seneca brand cigarettes imported by CBE will appear exactly as shown on the sample packs and cartons submitted by it on May 6, 2021 and May 28, 2021. CBE does not presently advertise the Seneca brand of cigarettes to consumers. In the future, if CBE does elect to advertise to consumers, CBE will submit a plan to the Federal Trade Commission in advance of engaging in advertising.

On behalf of our client, CBE, we submit that the foregoing complies with the requirements set forth in the *Federal Cigarette Labeling and Advertising Act*, as amended, and request expedited approval of this request. Should you require any additional information with respect to the foregoing, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Carlos J. Andrieu".

Carlos J. Andrieu Collazo, Esq.
DMRA Law LLC

A handwritten signature in blue ink that reads "Ricky Castro Ortiz".

Ricky Castro Ortiz
President
Castro Business Enterprises, Inc.



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

Division of
Advertising Practices

July 16, 2021

Carlos J. Andréu Collazo, Esq.
DMRA Law LLC
Centro Internacional de Mercadeo
100 Carretera 165
Torre 1, Suite 402
Guaynabo, PR 00968

Dear Mr. Andréu Collazo:

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 Castro Business Enterprises, Inc. (“CBE”) on July 7, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca brand of cigarettes.

CBE’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on May 6, 2021 and May 28, 2021 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, CBE’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following four hard pack varieties of the Seneca Brand: Premium Full Flavor king size (red), Premium Full Flavor 100’s (red), Premium Menthol king size (green), and Premium Menthol 100’s (green).

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

¹ CBE stated in its July 7, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on May 6, 2021 and May 28, 2021.

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

Carlos J. Andréu Collazo, Esq.

July 16, 2021

Page 2

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

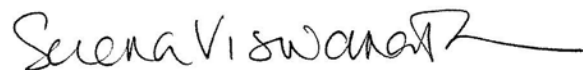
Please note that this letter only approves CBE's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any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

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

This approval is effective on the date of this letter and runs through July 15, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

June 9, 2021

Ms. Serena Viswanathan
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop CC-10528
Washington, DC 20580



4900 Indian Hill Road
Lewiston, NY 14092
(716) 754-4064
Fax (716) 754-4184

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Viswanathan,

This letter is being submitted by Joseph M. Anderson doing business as Smokin Joes for the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of the following fifteen (15) varieties of the Exact cigarette brand, twelve (12) varieties of the Exact Elite cigarette brand, eighteen (18) styles of the Lewiston cigarette brand, twenty (20) varieties of the Market cigarette brand, one (1) style of the Maple Leaf cigarette brand, two (2) styles of the Outdoor Freedom cigarette brand, twenty-two (22) styles of the Smokin Joes cigarette brand, twenty-one (21) styles of the Smokin Joes Natural cigarette brand, eighteen (18) styles of the Smokin Joes Premium cigarette brand, and two (2) varieties of the Nightclub cigarette brand:

Exact Cigarette Brand
Exact Canadian Red King Size Soft Pack
Exact Canadian Blue King Size Soft Pack
Exact Red 100 Size Soft Pack
Exact Red King Size Box
Exact Red King Size Soft Pack
Exact Gold 100 Size Soft Pack
Exact Gold 100 Size Box
Exact Gold King Size Box
Exact Gold King Size Soft Pack
Exact Menthol 100 Size Soft Pack
Exact Menthol 100 Size Box
Exact Menthol King Size Soft Pack
Exact Menthol Gold 100 Size Soft Pack
Exact Menthol Gold King Size Soft Pack
Exact Blue 100 Size Soft Pack
Exact Elite Cigarette Brand
Exact Elite Red 100 Size Soft Pack
Exact Elite Red King Size Box
Exact Elite Red King Size Soft Pack
Exact Elite Gold 100 Size Soft Pack
Exact Elite Gold King Size Box

800-274-8010

www.smokinjoe.com



Exact Elite Gold King Size Soft Pack
Exact Elite Menthol 100 Size Soft Pack
Exact Elite Menthol King Size Soft Pack
Exact Elite Menthol Gold 100 Size Soft Pack
Exact Elite Menthol Gold King Size Soft Pack
Exact Elite Non-Filter King Size Box
Exact Elite Blue 100 Size Soft Pack
Lewiston Cigarette Brand
Lewiston Red 100 Size Soft Pack
Lewiston Red 100 Size Box
Lewiston Red King Size Box
Lewiston Red King Size Soft Pack
Lewiston Gold 100 Size Soft Pack
Lewiston Gold 100 Size Box
Lewiston Gold King Size Box
Lewiston Gold King Size Soft Pack
Lewiston Menthol 100 Size Soft Pack
Lewiston Menthol 100 Size Box
Lewiston Menthol King Size Soft Pack
Lewiston Menthol King Size Box
Lewiston Menthol Gold 100 Size Soft Pack
Lewiston Menthol Gold 100 Size Box
Lewiston Menthol Gold King Size Soft Pack
Lewiston Non-Filter King Size Soft Pack
Lewiston Blue 100 Size Soft Pack
Lewiston Blue 100 Size Box
Maple Leaf Cigarette Brand
Maple Leaf Canadian Blue King Size Box
Market Cigarette Brand
Market Red 100 Size Box
Market Red 100 Size Soft Pack
Market Red King Size Box
Market Red King Size Soft Pack
Market Gold 100 Size Box
Market Gold 100 Size Soft Pack
Market Gold King Size Box
Market Gold King Size Soft Pack
Market Menthol 100 Size Box
Market Menthol 100 Size Soft Pack
Market Menthol King Size Soft Pack
Market Menthol King Size Box
Market Menthol Gold 100 Size Box
Market Menthol Gold 100 Size Soft Pack
Market Menthol Gold King Size Soft Pack
Market Menthol Blue 100 Size Box
Market Non-Filter King Size Box
Market Blue 100 Size Box
Market Blue 100 Size Soft Pack

Market Blue King Size Box
Outdoor Freedom Cigarette Brand
Outdoor Freedom Original King Size Box
Outdoor Freedom Smooth King Size Box
Smokin Joes Cigarette Brand
Smokin Joes Red 100 Size Soft Pack
Smokin Joes Red 100 Size Box
Smokin Joes Red King Size Box
Smokin Joes Red King Size Soft Pack
Smokin Joes Gold 100 Size Soft Pack
Smokin Joes Gold 100 Size Box
Smokin Joes Gold King Size Box
Smokin Joes Gold King Size Soft Pack
Smokin Joes Menthol 100 Size Soft Pack
Smokin Joes Menthol 100 Size Box
Smokin Joes Menthol King Size Soft Pack
Smokin Joes Menthol King Size Box
Smokin Joes Menthol Gold 100 Size Soft Pack
Smokin Joes Menthol Gold 100 Size Box
Smokin Joes Menthol Gold King Size Soft Pack
Smokin Joes Menthol Gold King Size Box
Smokin Joes Non-Filter King Size Soft Pack
Smokin Joes Non-Filter King Size Box
Smokin Joes Blue 100 Size Soft Pack
Smokin Joes Blue 100 Size Box
Smokin Joes Blue King Size Soft Pack
Smokin Joes Blue King Size Box
Smokin Joes Natural Cigarette Brand
Smokin Joes Natural Purple 100 Size Soft Pack
Smokin Joes Natural Purple 100 Size Box
Smokin Joes Natural Purple King Size Box
Smokin Joes Natural Purple King Size Soft Pack
Smokin Joes Natural Silver 100 Size Soft Pack
Smokin Joes Natural Silver 100 Size Box
Smokin Joes Natural Silver King Size Soft Pack
Smokin Joes Natural Silver King Size Box
Smokin Joes Natural Menthol 100 Size Soft Pack
Smokin Joes Natural Menthol 100 Size Box
Smokin Joes Natural Menthol King Size Box
Smokin Joes Natural Red 100 Size Soft Pack
Smokin Joes Natural Red 100 Size Box
Smokin Joes Natural Red King Size Soft Pack
Smokin Joes Natural Red King Size Box
Smokin Joes Natural Menthol Gold 100 Size Soft Pack
Smokin Joes Natural Menthol Gold King Size Box
Smokin Joes Natural Non-Filter King Size Soft Pack
Smokin Joes Natural White 100 Size Soft Pack
Smokin Joes Natural White 100 Size Box

Smokin Joes Natural White King Size Soft Pack
Smokin Joes Premium Cigarette Brand
Smokin Joes Premium Canadian Red King Size Box
Smokin Joes Premium Canadian Blue King Size Box
Smokin Joes Premium Red 100 Size Soft Pack
Smokin Joes Premium Red 100 Size Box
Smokin Joes Premium Red King Size Box
Smokin Joes Premium Red King Size Soft Pack
Smokin Joes Premium Gold 100 Size Soft Pack
Smokin Joes Premium Gold 100 Size Box
Smokin Joes Premium Gold King Size Box
Smokin Joes Premium Gold King Size Soft Pack
Smokin Joes Premium Menthol 100 Size Soft Pack
Smokin Joes Premium Menthol 100 Size Box
Smokin Joes Premium Menthol King Size Soft Pack
Smokin Joes Premium Menthol Gold 100 Size Soft Pack
Smokin Joes Premium Menthol Gold King Size Soft Pack
Smokin Joes Premium Non-Filter King Size Soft Pack
Smokin Joes Premium Blue 100 Size Soft Pack
Smokin Joes Premium Blue King Size Soft Pack
Nightclub Cigarette Brand
Nightclub Rich King Size Box
Nightclub Smooth King Size Box

These cigarettes are manufactured by Joseph M. Anderson d/b/a Smokin Joes; Smokin Joes does not import cigarettes. Upon approval of this plan, the manufacturer will continue to sell these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-NY-168).

The products submitted with this plan will continue to be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted to the Federal Trade Commission on June 28, 2018.

Smokin Joes believes that its 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; sales figures for all Smokin Joes manufactured brands styles are provided on Exhibit A. Of all Smokin Joes manufactured cigarette brand styles for the fiscal year, from May 1, 2020 through April 30, 2021, the biggest seller was [REDACTED] totaling [REDACTED] sticks.

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

raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings.

Smokin Joes will continue to comply with its May 1, 2007 amended plan for advertising the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes cigarette brands as well as its February 19, 2008 plan for advertising the Nightclub cigarette brand and its April 16, 2009 plan for advertising the Maple Leaf cigarette brand.

Smokin Joes, the manufacturer, 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. Smokin Joes 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 716-261-9306 or via e-mail at atruscio@smokinjoe.com.

Sincerely,



Ann Truscio
Tax & Compliance Specialist

EXHIBIT A

SMOKIN JOES	STICK SALES: 5/1/20 - 4/30/21
BRAND	
EXACT	
EXACT CANADIAN RED KINGS	
EXACT RED KINGS	
EXACT GOLD KINGS	
EXACT MENTHOL KINGS	
EXACT CANADIAN BLUE KINGS	
EXACT MENTHOL GOLD KINGS	
EXACT RED KING BOX	
EXACT GOLD KING BOX	
EXACT RED 100	
EXACT GOLD 100	
EXACT MENTHOL 100	
EXACT MENTHOL GOLD 100	
EXACT BLUE 100	
EXACT GOLD 100 BOX	
EXACT MENTHOL 100 BOX	
EXACT ELITE	
EXACT ELITE RED KINGS	
EXACT ELITE GOLD KINGS	
EXACT ELITE MENTHOL KINGS	
EXACT ELITE MENTHOL GOLD KINGS	
EXACT ELITE RED KING BOX	
EXACT ELITE GOLD KING BOX	
EXACT ELITE NON-FILTER KING BOX	
EXACT ELITE RED 100	
EXACT ELITE GOLD 100	
EXACT ELITE MENTHOL 100	
EXACT ELITE MENTHOL GOLD 100	
EXACT ELITE BLUE 100	
LEWISTON	
LEWISTON RED KINGS	
LEWISTON GOLD KINGS	
LEWISTON MENTHOL KINGS	
LEWISTON MENTHOL GOLD KINGS	
LEWISTON NON-FILTER KINGS	
LEWISTON RED KING BOX	
LEWISTON GOLD KING BOX	
LEWISTON RED 100	
LEWISTON GOLD 100	
LEWISTON MENTHOL 100	
LEWISTON MENTHOL GOLD 100	
LEWISTON BLUE 100	
LEWISTON MENTHOL 100 BOX	
LEWISTON MENTHOL GOLD 100 BOX	
LEWISTON GOLD 100 BOX	
LEWISTON MENTHOL KING BOX	
LEWISTON BLUE 100 BOX	
LEWISTON RED 100 BOX	
MARKET	
MARKET RED KINGS	
MARKET GOLD KINGS	
MARKET MENTHOL KINGS	
MARKET MENTHOL GOLD KINGS	
MARKET NON-FILTER KING BOX	
MARKET RED KING BOX	
MARKET GOLD KING BOX	
MARKET RED 100	
MARKET GOLD 100	
MARKET MENTHOL 100	
MARKET MENTHOL GOLD 100	
MARKET BLUE 100	
MARKET RED 100 BOX	
MARKET GOLD 100 BOX	
MARKET MENTHOL 100 BOX	
MARKET MENTHOL GOLD 100 BOX	
MARKET BLUE 100 BOX	
MARKET MENTHOL BLUE 100 BOX	
MARKET MENTHOL KING BOX	
MARKET BLUE KING BOX	

SMOKIN JOES NATURAL
SMOKIN JOES NATURAL PURPLE KING BOX
SMOKIN JOES NATURAL PURPLE KING
SMOKIN JOES NATURAL RED KING
SMOKIN JOES NATURAL SILVER KING
SMOKIN JOES NATURAL WHITE KING
SMOKIN JOES NATURAL NON-FILTER KING
SMOKIN JOES NATURAL MENTHOL KING BOX
SMOKIN JOES NATURAL MENTHOL GOLD KING BOX
SMOKIN JOES NATURAL PURPLE 100
SMOKIN JOES NATURAL RED 100
SMOKIN JOES NATURAL SILVER 100
SMOKIN JOES NATURAL MENTHOL 100
SMOKIN JOES NATURAL MENTHOL GOLD 100
SMOKIN JOE SNATURAL WHITE 100
SMOKIN JOES NATURAL PURPLE 100 BOX
SMOKIN JOES NATURAL SILVER 100 BOX
SMOKIN JOES NATURAL SILVER KING BOX
SMOKIN JOES NATURAL WHITE 100 BOX
SMOKIN JOES NATURAL MENTHOL 100 BOX
SMOKIN JOES NATURAL RED KING BOX
SMOKIN JOES NATURAL RED 100 BOX
SMOKIN JOES
SMOKIN JOES RED KING
SMOKIN JOES GOLD KING
SMOKIN JOES MENTHOL KING
SMOKIN JOES MENTHOL GOLD KING BOX
SMOKIN JOES MENTHOL GOLD KING
SMOKIN JOES BLUE KING
SMOKIN JOES NON-FILTER KING BOX
SMOKIN JOES NON-FILTER KING

SMOKIN JOES GOLD KING BOX
SMOKIN JOES MENTHOL KING BOX
SMOKIN JOES BLUE KING BOX
SMOKIN JOES RED 100
SMOKIN JOES GOLD 100
SMOKIN JOES MENTHOL 100
SMOKIN JOES MENTHOL GOLD 100
SMOKIN JOES BLUE 100
SMOKIN JOES RED 100 BOX
SMOKIN JOES GOLD 100 BOX
SMOKIN JOES MENTHOL 100 BOX
SMOKIN JOES MENTHOL GOLD 100 BOX
SMOKIN JOES BLUE 100 BOX

SMOKIN JOES PREMIUM
SMOKIN JOES PREMIUM RED KING
SMOKIN JOES PREMIUM GOLD KING
SMOKIN JOES PREMIUM MENTHOL KING
SMOKIN JOES PREMIUM M GOLD KING
SMOKIN JOES PREMIUM BLUE KING
SMOKIN JOES PREMIUM NON-FILTER KING
SMOKIN JOES PREMIUM RED KING BOX
SMOKIN JOES PREMIUM GOLD KING BOX
SMOKIN JOES PREMIUM RED 100
SMOKIN JOES PREMIUM RED 100 BOX
SMOKIN JOES PREMIUM GOLD 100 BOX
SMOKIN JOES PREMIUM MENTHOL 100 BOX
SMOKIN JOES PREMIUM GOLD 100
SMOKIN JOES PREMIUM MENTHOL 100
SMOKIN JOES PREMIUM MENTHOL GOLD 100
SMOKIN JOES PREMIUM BLUE 100
SMOKIN JOES PREMIUM CAN RED KING BOX
SMOKIN JOES PREMIUM CAN RED KING BOX

MAPLE LEAF

NIGHTCLUB
NIGHTCLUB RICH KING BOX
NIGHTCLUB SMOOTH KING BOX

OUTDOOR FREEDOM
OUTDOOR FREEDOM ORIGINAL KING BOX
OUTDOOR FREEDOM SMOOTH KING BOX



Division of
Advertising Practices

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

July 26, 2021

Ms. Ann Truscio
Smokin Joes
4900 Indian Hill Road
Lewiston, NY 14092

Dear Ms. Truscio:

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 Joseph M. Anderson d/b/a Smokin Joes (“Smokin Joes”) on June 9, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Exact, Exact Elite, Lewiston, Maple Leaf, Market, Nightclub, Outdoor Freedom, Smokin Joes, Smokin Joes Natural, and Smokin Joes Premium brands of cigarettes.

Smokin Joes’ 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 June 28, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Smokin Joes’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Fifteen varieties of the Exact brand: Canadian Red King Soft Pack, Canadian Blue King Soft Pack, Red King Box, Red Soft Pack (King and 100’s), Gold Box (King and 100’s), Gold Soft Pack (King and 100’s), Menthol Soft Pack (King and 100’s), Menthol 100’s Box, Menthol Gold Soft Pack (King and 100’s), and Blue 100’s Soft Pack;
- Twelve varieties of the Exact Elite brand: Non-Filter King Box, Red King Box, Red Soft Pack (King and 100’s), Gold King Box, Gold Soft Pack (King and 100’s), Menthol Soft Pack (King and 100’s), Menthol Gold Soft Pack (King and 100’s), and Blue 100’s Soft Pack;

¹ Smokin Joes stated in its June 9, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

- Eighteen varieties of the Lewiston brand: Non-Filter King Soft Pack, Red Box (King and 100's), Red Soft Pack (King and 100's), Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold 100's Box, Menthol Gold Soft Pack (King and 100's), and Blue 100's (Box and Soft Pack);
- One variety of the Maple Leaf brand: Canadian Blue King Box;
- Two varieties of the Outdoor Freedom brand: Original King Box and Smooth King Box;
- Two varieties of the Nightclub brand: Rich King Box and Smooth King Box;
- Twenty varieties of the Market brand: Non-Filter King Box, Red Box (King and 100's), Red Soft Pack (King and 100's), Blue Box (King and 100's), Blue 100's Soft Pack, Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold Soft Pack (King and 100's), Menthol Gold 100's Box, and Menthol Blue 100's Box;
- Twenty-two varieties of the Smokin Joes brand: Non-Filter King (Soft Pack and Box), Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue King (Soft Pack and Box), Blue 100's (Soft Pack and Box), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol King (Soft Pack and Box), Menthol 100's (Soft Pack and Box), Menthol Gold King (Soft Pack and Box), and Menthol Gold 100's (Soft Pack and Box);
- Twenty-one varieties of the Smokin Joes Natural brand: Non-Filter King Soft Pack, Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Purple King (Soft Pack and Box), Purple 100's (Soft Pack and Box), Silver King (Soft Pack and Box), Silver 100's (Soft Pack and Box), White King Soft Pack, White 100's (Soft Pack and Box), Menthol King Box, Menthol 100's (Soft Pack and Box), Menthol Gold King Box, and Menthol Gold 100's Soft Pack; and
- Eighteen varieties of the Smokin Joes Premium brand: Non-Filter King Soft Pack, Canadian Red King Box, Canadian Blue King Box, Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Soft Pack (King and 100's), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol 100's Box, Menthol Soft Pack (King and 100's), and Menthol Gold Soft Pack (King and 100's).

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

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. Ann Truscio

July 26, 2021

Page 3

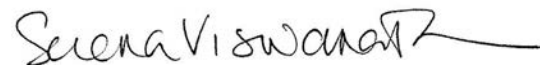
Please note that this letter only approves Smokin Joes' cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director



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

August 6, 2021

Serena Viswanathan
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. Viswanathan,

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 King Box and Menthol King Box varieties of the Moonlight cigarette brand and to expand the advertising plan for the Moonlight cigarette brand.

The Moonlight cigarette brand is manufactured in the United States by NASCO Products, LLC ("NASCO"). Upon approval of this plan, the manufacturer will continue to manufacture these cigarettes under the authority of the Alcohol & Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NC-15033).

The cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The Surgeon General Warnings will be on each Pack and Outer Carton of cigarettes in the form and content dictated by the Federal Cigarette Labeling and Advertising Act. The warnings will be printed directly on the packaging in a legible and conspicuous manner and will be of a size, format, and type and location required by the Cigarette Act. The warnings will appear exactly as they do on the packs and cartons submitted with our letter dated June 18, 2020.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331. Exhibit A provides sales figures for all NASCO's brands for the 2020 fiscal year, as well as anticipated sales figures for the 2021 fiscal year. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes for the one-year period 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 appear on the packs and cartons of each of the Moonlight cigarette brand styles listed above an equal number of times throughout the one year period beginning on the date this plan is approved. To ensure the four cigarette health warnings appear on the Moonlight cigarette brand styles an equal number of times throughout the one year period beginning on the date this plan is approved, packaging from the supplier will arrive to NASCO with an equal number of each of the four warnings. For small production runs, packaging will be loaded into packaging machines alternating the four health warnings. For large production runs, all packaging arriving from the supplier with an equal number of each of the four warnings, will be used in the production of product within the period.

NASCO Products, LLC continues to be in compliance with its November 24, 2020, plan for the simultaneous display of the four health warnings on packaging for the SF cigarette brand approved on November 25, 2020. NASCO Products, LLC does not currently import any cigarette brand and does not currently manufacture any cigarette brand other than the SF and Moonlight cigarette brands.

NASCO Products, LLC will continue to comply with its April 25, 2017 plan for Internet advertising of the SF brand of cigarettes and its August 3, 2020 plan for Internet advertising of the Moonlight cigarette brand.

NASCO wishes to apply for a plan to display the four Surgeon General's health warnings in print media¹ and point of sale material² advertising of the Moonlight cigarette brand. NASCO will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the warnings will be placed as specified in those plans. Warning formats that will be used in print media and point of sale advertising were enclosed with our letter dated October 15, 2020. Exhibits 1A – 1D will be used on advertisements measuring up to 65 square inches, Exhibits 2A – 2D will be used on advertisements measuring over 65 to 110 square inches, Exhibits 3A – 3D will be used on advertisements measuring over 110 to 180 square inches, Exhibits 4A – 4D will be used on advertisements measuring over 180 to 360 square inches, and Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches. Exhibits 6A – 6D will be used on advertisements measuring over 470 to 720 square inches. Exhibits 7A – 7D will be used on advertisements measuring over 5 to 10 square feet. Exhibits 8A – 8D will be used on advertisements measuring over 10 to 20 square feet. The size of our advertising in print media and on point of sale materials will not exceed 20 square feet.

The warnings will be rotated quarterly in print media and on point of sale advertising for the Moonlight[®] cigarette brand in accordance with the rotation schedule below. NASCO does not have approval for print advertising of any other brand.

NASCO Products, LLC, the manufacturer, 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 Cigarette Act. NASCO Products, LLC will maintain record of compliance with the approved plan. If there are any questions or concerns regarding this plan, please contact me at 716-270-1523 (phone),

¹ Examples of print media include, but are not limited to, periodicals, postcards, signs, and shelf talkers.

² Examples of point of sale materials are items used in retail stores to advertise the products and these include, but are not limited to, counter displays, tin signs, and retail store window clings.

716-877-3064 (fax), kdelaney@xxiicentury.com (email), or 321 Farmington Rd, Mocksville, NC 27028 (mailing address).

Sincerely, **Karen E.** Digitally signed by
Delaney Karen E. Delaney
Date: 2021.08.06
09:12:54 -04'00'

Karen E. Delaney
Tax Compliance Manager

Rotation Schedule for Advertising

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

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

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

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

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

EXHIBIT A

Actual sales figures for Fiscal Year 2020

PRODUCT	STICKS
Moonlight King Box	
Moonlight Menthol King Box	
SF Red King Size Box	
SF Blue King Size Box	
SF Gray King Size Box	
SF Menthol Dark Green King Size Box	
SF Menthol Pale Green King Size Box	
SF Non-Filter King Size Soft Pack	
SF Red 100's Box	
SF Blue 100's Box	
SF Gray 100's Box	
SF Menthol Dark Green 100's Box	
SF Menthol Pale Green 100's Box	

Estimated sales figures for Fiscal Year 2021

PRODUCT	STICKS
Moonlight King Box	
Moonlight Menthol King Box	
SF Red King Size Box	
SF Blue King Size Box	
SF Gray King Size Box	
SF Menthol Dark Green King Size Box	
SF Menthol Pale Green King Size Box	
SF Non-Filter King Size Soft Pack	
SF Red 100's Box	
SF Blue 100's Box	
SF Gray 100's Box	
SF Menthol Dark Green 100's Box	
SF Menthol Pale Green 100's Box	



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

Division of
Advertising Practices

August 6, 2021

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

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by NASCO Products, LLC (“NASCO”) on August 6, 2021, calling for: (1) quarterly rotation of the four health warnings in print and point-of-sale advertising up to twenty square feet in size for the Moonlight brand of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Moonlight brand of cigarettes.

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

NASCO’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your June 18, 2020 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the Moonlight King Box and Moonlight Menthol King Box varieties. **This approval of NASCO’s plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through August 5, 2022, or until new health warnings required under the TCA take effect, whichever comes first.**

¹ NASCO stated in its August 6, 2021 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

Ms. Karen E. Delaney

August 6, 2021

Page 2

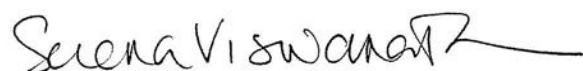
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director

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

Holland & Knight

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

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

July 20, 2021

VIA E-MAIL

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

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

Dear Ms. Viswanathan:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 300 Frank W. Burr Boulevard, Suite 70, Teaneck, New Jersey 07666 (“JTI USA”), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the “Act”), seeking approval for JTI USA to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on previously approved packages and cartons of cigarettes for the following brand and brand styles for one year following approval of this plan, namely:

Four slide and shell varieties of the " Export ‘A’" brand: Full Flavor 72's, Rich Taste 72's, Smooth Taste 72's and Ultra Smooth Taste 72's;

Sixteen hard pack varieties of the “LD By L. Ducat” brand: Red (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol Green (Kings and 100’s), Red Club (Kings and 100’s), Menthol Club (Kings and 100’s) and Blue Club (Kings and 100’s);

Ten hard pack varieties of the "Wave" brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (King and 100's), and Menthol Green (Kings and 100's); and

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

The Label Statement Rotation Plan of JTI USA submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended, was approved most recently on September 18, 2020 for all of the brand styles above. For the brand styles above, the four health warnings will appear exactly as shown on the samples provided to the FTC in connection with the most recent prior approvals, namely on August 21, 2019 (for the "LD by L. Ducat" brand), December 18, 2019 (for the "Wave" brand) and March 5, 2020 (for the "Export 'A'" and "Wings" brands) except that the address that appears of the packaging of the sixteen "LD By L Ducat" varieties was updated (however, the address is located on the opposite panel from the health warning label statements and this change did not alter the size or conspicuousness of the health warning label statements).

The four warnings have been equalized to date on the packs and cartons for the brand styles listed above in accordance with JTI USA's previously approved Plan. JTI USA does not import or manufacture any other brands or brand styles other than listed above.

In support of JTI USA's application for extension of FTC approval of its simultaneous display plan for packages and cartons to cover the four "Export 'A'", sixteen "LD By L. Ducat", ten "Wave" and six "Wings" packaging varieties listed above, JTI USA affirms as follows:

(a) the cigarettes sold by JTI USA in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI USA's last fiscal year ended December 31, 2020, the total number of cigarettes of any brand style sold by JTI USA in the United States during such year (all of which were imported) was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI USA imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (i.e. all) of the cigarettes for sale by JTI USA for sale in the United States (all of which were imported) are packaged into brand styles which meet the requirements of clause (i) and JTI USA does not expect to exceed such amounts for the current 2021 fiscal year;

(b) the statutorily mandated warnings will appear exactly as shown on the sample packages and cartons submitted to and approved by the Federal Trade Commission unless and until revised sample individual packages and cartons are submitted to the Federal Trade Commission on JTI USA's behalf and approved by the Federal Trade Commission; and

(c) JTI USA will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages and cartons of cigarettes for each brand style for the one year period beginning

Ms. Serena Viswanathan

July 20, 2021

Page 3

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

We submitted under cover of our letter dated February 19, 2016 an amended Schedule A to the Plan entitled "Label Statement Rotational For Advertisement Purposes (Only) By Brand And Quarter" which will continue to be followed by JTI USA unless and until submitted and approved otherwise. JTI USA will maintain compliance with its approved advertising plan.

JTI USA will import and sell packages and cartons of each of the "Export 'A'", "LD By L. Ducat", "Wave" and "Wings" brand styles referred to in this letter in equal numbers of each warning label throughout the one-year period after this application is approved using the printing methods set forth on the Attachment 1 hereto. As a result, if requirements for new warnings were to become effective on any date, the current warnings will have been utilized in equal proportions prior to then on all brand styles.

If you should have any further questions in connection with this application, please call me at (917) 539-1651 or email me at neal.beaton@hklaw.com. It would be appreciated if the approval letter could be faxed to me at 212-341-7103 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Thank you for your cooperation in this matter.

Very truly yours,

Neal N Beaton

Neal N. Beaton

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Wave/Wings/LD by L. Ducat

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

Wave/Wings/LD by L. Ducat Round Corner KS/100s Box:

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

Wave/Wings/LD by L. Ducat Cartons KS/100s:

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



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

Division of
Advertising Practices

September 14, 2021

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Japan Tobacco International U.S.A., Inc. (“JTI”) dated July 20, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Export ‘A’, “LD by L. Ducat,” Wave, and Wings brands of cigarettes.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on August 21, 2019 (“LD By L. Ducat”), December 18, 2019 (Wave), and March 5, 2020 (Export ‘A’ and Wings) 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, JTI’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Four slide and shell varieties of the Export ‘A’ brand: Full Flavor 72’s, Rich Taste 72’s, Smooth Taste 72’s, and Ultra Smooth Taste 72’s;
- Sixteen hard pack varieties of the “LD by L. Ducat” brand: Red (Kings and 100’s), Menthol (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol Green (Kings and 100’s), Red Club (Kings and 100’s), Menthol Club (Kings and 100’s), and Blue Club (Kings and 100’s);

¹ JTI stated in its July 20, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- Ten hard pack varieties of the Wave brand: Full Flavor (Kings and 100's), Menthol (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's); and
- Six hard pack varieties of the Wings brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's).

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

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

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

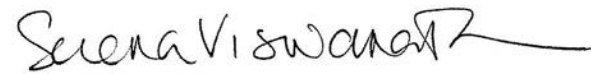
This approval is effective on the date of this letter and runs through September 13, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Neal N. Beaton, Esq.
September 14, 2021
Page 3

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

Very truly yours,

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

Serena Viswanathan
Associate Director



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

September 22, 2021

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

RE: Cigarette Health Warning Plan

Dear Madam:

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

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

I. Packaging

According to Section 1333(c)(2), we would like permission to display the four warnings an equal number of times during the year (rather than rotating the warnings quarterly) since our company's annual sales for all brands (Kentucky's Best, VB Made in the USA, and Baron American Blend) are less than one-fourth of one percent of all the cigarettes sold in the United States. We will equalize the four warnings on the packs and cartons of each brand style that we manufacture (all are listed in the attachment that follows this letter) for the one-year period beginning on the date of approval of this plan and all warnings have been equalized to date. Equalization is achieved by the packaging vendor who will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs so that when sheets are cut, the warnings will be equalized on cartons and packs for each brand style. The warnings will appear exactly as shown on the pack and carton samples submitted with our letters dated October 3, 2017, October 17, 2017 and December 7, 2017.

The sales volumes in cigarettes for each brand for fiscal year 2020 (January 1 – December 31, 2020) were as follows:

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



Anticipated sales volumes in cigarettes for each brand for fiscal year 2021 (January 1 – December 31, 2021) are as follows:

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



II. Advertisements (other than outdoor billboard advertisements)

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Straus".

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



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

Division of
Advertising Practices

September 23, 2021

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 September 22, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the “Kentucky’s Best,” “VB Made in the USA,” and “Baron American Blend” brands of cigarettes.

Farmers Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated October 3, October 17, and December 7, 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, Farmers Tobacco’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the “Kentucky’s Best” brand: Red Kings (soft pack and hard pack), Gold Kings (soft pack and hard pack), Silver Kings hard pack, Menthol Kings hard pack, Green Kings hard pack, Non-Filter Kings soft pack, Red 100's (soft pack and hard pack), Gold 100's (soft pack and hard pack), Silver 100's (soft pack and hard pack), Menthol 100's hard pack, and Green 100's hard pack;

¹ This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons most recently approved.

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

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

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

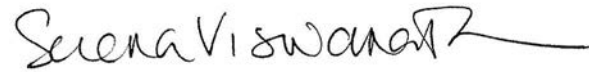
This approval is effective on the date of this letter and runs through September 22, 2022, or until new health warnings required under the TCA take effect, whichever comes first.

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

Ms. Jennifer Straus
September 23, 2021
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If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2407.

Very truly yours,

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

Serena Viswanathan
Associate Director

September 24, 2021

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

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

**Re: Wind River Tobacco Company, LLC
Teton Brand Cigarettes Renewal**

Dear Ms. McGregor:

This renewal of the plan for the simultaneous display of health warnings on the packaging of Teton brand cigarettes (the "**Plan**") is submitted to the Federal Trade Commission ("**FTC**") on behalf of Wind River Tobacco Company, LLC ("**WRT**"), located at 4792 Potato House Court, Wilson, NC 27893.

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes was approved by the FTC on October 14, 2020. WRT wishes to renew the Plan.

I. Background

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "**Act**"), manufacturers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the 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 the Teton brand of cigarettes in the seven (7) brand styles listed in Schedule A, attached hereto. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the Teton brand of cigarettes for the brand styles listed in Schedule A. This Plan sets forth the manner in which WRT shall comply with the warning label requirements of the Act.

II. Packaging

A. Beginning on the date of renewal of this Plan (the “**Effective Date**”) the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the Teton 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 Teton 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 seven (7) Teton brand styles for the one-year period beginning on the Effective Date.

WRT's fiscal year for 2020 was the calendar year (January 1, 2020 to December 31, 2020). Please note that WRT also manufactures American Bison and Nashville brand cigarettes, which brands and brand styles are subject to separate health warning display plans approved by the FTC.

The sales volume for any one brand style of cigarettes manufactured or imported by WRT in fiscal and calendar year 2020 did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one-year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one-year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedule A.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging prior to WRT's manufacturing of the Teton cigarettes. The warning labels will appear on the packs and cartons of each of the Teton No. 18 brand styles and on the packs of each of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated September 14, 2018. The warning labels will appear on the cartons of the Teton No. 6 brand styles exactly as they appear on the packaging submitted to the FTC with WRT's letter dated October 5, 2018.

III. Advertising

WRT currently has approved advertising plans in place for Teton brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for Teton brand cigarettes that was approved on October 26, 2018, and a plan for the display of health warnings on internet advertising for Teton brand cigarettes that was approved on July 31, 2019. Any advertising of the Teton brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

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

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

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


Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Reviewed and agreed by:

WIND RIVER TOBACCO COMPANY, LLC


Brian Tascher
Chief Financial Officer

SCHEDULE A

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

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



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

Division of
Advertising Practices

September 28, 2021

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan submitted on behalf of Wind River Tobacco Company, LLC (“WRT”) on September 24, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Teton brand of cigarettes.

WRT’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 September 14, 2018 and October 5, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRT’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following seven box varieties of the Teton brand: No. 18 Blue Kings, No. 18 Yellow Kings, No. 18 Green Menthol Kings, No. 6 Red 100’s, No. 6 Gold 100’s, No. 6 Green Menthol 100’s, and No. 6 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.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves WRT’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it

¹ Although the warnings on some of the sample cartons initially submitted were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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.

Craig A. Koenigs, Esq.

September 28, 2021

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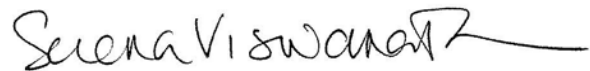
is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for WRT's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of WRT's packaging and advertising under the TCA or any regulations that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

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director