



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: January 24, 2025

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. January 4, 2023 letter from Barry M. Boren on behalf of Ohserase Manufacturing, LLC to Serena Viswanathan.
2. January 11, 2023 letter from Serena Viswanathan to Barry M. Boren on behalf of Ohserase Manufacturing ,LLC.
3. January 17, 2023 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Serena Viswanathan.
4. January 26, 2023 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
5. February 9, 2023 letter from Ralph Angiuoli, Jr., NASCO Products, LLC to Serena Viswanathan.
6. February 9, 2023 letter from Serena Viswanathan to Ralph Angiuoli, Jr., NASCO Products, LLC.
7. February 3, 2023 letter from Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC to Serena Viswanathan.
8. February 13, 2023 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Cherokee Tobacco Company, LLC.

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9. February 16, 2023 letter from Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc. to Serena Viswanathan.
10. February 17, 2023 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Great Swamp Enterprises, Inc.
11. February 16, 2023 letter from Kanim James, Lone Warrior Holdings, Inc. to Serena Viswanathan.
12. March 7, 2023 letter from Serena Viswanathan to Kanim James, Lone Warrior Holdings, Inc.
13. March 6, 2023 letter from Geraldine Bowen Barker, Commonwealth Brands, Inc. to Serena Viswanathan.
14. March 8, 2023 letter from Serena Viswanathan to Geraldine Bowen Barker, Commonwealth Brands, Inc.
15. March 2, 2023 letter from David A. Scott, Cheyenne International, LLC to Serena Viswanathan.
16. March 9, 2023 letter from Serena Viswanathan to David A. Scott, Cheyenne International, LLC.
17. March 13, 2023 letter from Terri Albright, Premier Manufacturing, Inc. to Serena Viswanathan.
18. March 13, 2023 letter from Serena Viswanathan to Terri Albright, Premier Manufacturing, Inc.
19. March 3, 2023 letter from Adam Bowen, Rock River Manufacturing to Serena Viswanathan.
20. March 13, 2023 letter from Serena Viswanathan to Adam Bowen, Rock River Manufacturing.
21. March 14, 2023 letter from Terri Albright, King Maker Marketing, Inc. to the Division of Advertising Practices.
22. March 14, 2023 letter from Serena Viswanathan to Terri Albright, King Maker Marketing, Inc.
23. March 9, 2023 letter from Alyssa Rose, Azuma Corporation to Serena Viswanathan.

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24. March 15, 2023 letter from Serena Viswanathan to Alyssa Rose, Azuma Corporation.
25. March 16, 2023 letter from Eric B. Estes, Xcaliber International, Ltd., LLC to Serena Viswanathan.
26. March 16, 2023 letter from Serena Viswanathan to Eric B. Estes, Xcaliber International, Ltd., LLC
27. March 21, 2023 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to Serena Viswanathan.
28. March 24, 2023 letter from Serena Viswanathan to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
29. March 24, 2023 letter from David A. Scott, Cheyenne International, LLC to Serena Viswanathan.
30. March 28, 2023 letter from Serena Viswanathan to David A. Scott, Cheyenne International, LLC.
31. March 14, 2023 letter from Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC to Serena Viswanathan.
32. March 28, 2023 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Firebird Manufacturing, LLC.
33. March 21, 2023 letter from Jennifer Misegan, KBIC Tobacco Company, LLC to Serena Viswanathan.
34. March 28, 2023 letter from Serena Viswanathan to Jennifer Misegan, KBIC Tobacco Company, LLC.
35. March 24, 2023 letter from Victoria Spier Evans, Liggett Group LLC to Serena Viswanathan.
36. March 30, 2023 letter from Serena Viswanathan to Victoria Spier Evans, Liggett Group LLC.

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January 4, 2023

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

Attention: Ms. Bonnie McGregor

Surgeon General's Warning Rotation Plan
for Signal, Great County, and Niagara's
Cigarettes for Ohserase Manufacturing, LLC

Dear Ms. Viswanathan:

Please be advised that we are the attorneys for Ohserase Manufacturing, LLC ("Ohserase"), a New York limited liability corporation, with offices located at 393 Frogtown Rd., Hogansburg, New York 13655. The mailing address is P.O. Box 1221, Hogansburg, New York 13655 and the phone number is (513) 358-4229. Ohserase wishes to file a Surgeon General's Warning Packaging Equalization Plan for their Signal, Great Country, and Niagara's cigarettes. All of these cigarettes are and will be manufactured in the United States. These plans are being submitted pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*).

The contact person for the company will be its Manager/Member, Justin Tarbell, who can be reached at the above address and phone number.

Packaging Health Warning Equalization Plan

The latest plan for the Signal, Great County, and Niagara's brand was approved on December 21, 2021.

Ohserase wishes to renew its Packaging Plan for its Signal, Great Country, and Niagara's brand styles. Ohserase intends to equalize the display of the warnings on packaging as required by 15 U.S.C. § 1333(c) for all the Signal, Great Country, and Niagara's brand

Ohserase Manufacturing, LLC

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cigarettes they manufacture.

The brand styles of Signal, Great Country, and Niagara's cigarettes Ohserase intends to manufacture are listed on Exhibit "A" attached hereto. The brand styles listed on Exhibit "A" are the only cigarettes manufactured by Ohserase.¹ Ohserase does not import any cigarettes.

Actual production packs and cartons for the Signal brand styles which show exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons Ohserase will be manufacturing were submitted on August 23, 2019.

Actual production packs and cartons for the Great Country brand styles which show exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons Ohserase will be manufacturing were submitted on December 14, 2018, May 2, 2019, and May 24, 2019.

Actual production packs and cartons for the Niagara's brand styles which show exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons Ohserase will be manufacturing were submitted on September 15, 2020.

In fiscal year 2021, Ohserase manufactured [REDACTED] Signal brand cigarettes. In fiscal year 2022², Ohserase manufactured [REDACTED] Signal brand cigarettes. In fiscal year 2023, Ohserase anticipates manufacturing approximately [REDACTED] sticks of its Signal brand styles.

In fiscal year 2021, Ohserase manufactured [REDACTED] Great Country brand cigarettes. In fiscal year 2022, Ohserase manufactured [REDACTED] Great Country brand cigarettes. In fiscal year 2023, Ohserase anticipates manufacturing approximately [REDACTED] cigarette sticks of its Great Country brand styles.

In fiscal year 2021, Ohserase manufactured [REDACTED] Niagara's brand cigarettes. In fiscal year 2022, Ohserase manufactured [REDACTED] Niagara's brand cigarettes. In fiscal year 2023, Ohserase anticipates manufacturing approximately [REDACTED] cigarette sticks of its Niagara's brand styles.

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

¹ Ohserase also contract manufactures Montana and Pitbull brand cigarettes for export only and Winner for Winner Tobacco Wholesale, Inc. Winner has its own plan on file with the FTC.

² Ohserase's fiscal year coincides with the calendar year.

Ohserase Manufacturing, LLC

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Pursuant to 15 U.S.C. §1333(c)(2) Ohserase wishes to equalize the four health warning statements on all the brand styles listed in Exhibit A of Signal, Great Country, and Niagara's brand cigarettes as required by 15 U.S.C. §1333(c)(2). Each of the four warning statements will appear on the packs and cartons of each brand style of the Signal, Great Country, and Niagara's brands of cigarettes manufactured by Ohserase an equal number of times in the one-year period beginning on the date this plan is approved.

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

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

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

Ohserase has advertising, billboard, and internet rotation plans in place for its Signal, Great Country, and Niagara's brand cigarettes. The advertising, internet, and billboard plans for the Signal brand cigarettes were approved by the FTC on January 7, 2013. The advertising, internet and billboard plans for the Great Country, and Niagara's brand cigarettes were approved by the FTC on November 24, 2020. Ohserase is in compliance with all of these plans and wishes to make no changes to its advertising, billboard, and internet plans at this time.

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

Ohserase Manufacturing, LLC

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plan as soon as possible.

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

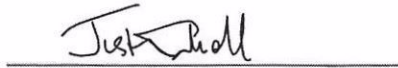
Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

Ohserase Manufacturing, LLC



By: Justin Tarbell, Manager



Division of
Advertising Practices

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

January 11, 2023

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Ohserase Manufacturing, LLC (“Ohserase”) on January 4, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Signal, Great Country, and Niagara’s brands of cigarettes.

Ohserase’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated December 14, 2018, May 2, 2019, May 24, 2019, August 23, 2019, and September 15, 2020 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Sixteen box varieties of the Signal brand: Bold (Kings and 100’s), Full Flavor (Kings and 100’s), Mellow (Kings and 100’s), Smooth (Kings and 100’s), Ultra Smooth (Kings and 100’s), Menthol (Kings and 100’s), Menthol Max (Kings and 100’s), and Menthol Smooth (Kings and 100’s);
- Ten box varieties of the Great Country brand: Full Flavor (Kings and 100’s), Gold (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Gold (Kings and 100’s); and

¹ Ohserase stated in its January 4, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Barry M. Boren, Esq.

January 11, 2023

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- Ten box varieties of the Niagara's brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), and Menthol Smooth (Kings and 100's).

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.

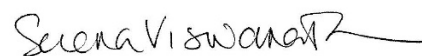
Please note that this letter only approves Ohserase's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through January 10, 2024, or until new health warnings required under the TCA take effect, whichever comes first.

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

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.



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January 17, 2023

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

Serena Viswanathan
Associate Director
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, NW
Room CC10564 / Org. Code 1145 / Mail Stop CC5201
Washington, DC 20580

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

Dear Ms. Viswanathan:

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

WRT's most recent plan for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes was approved on January 26, 2022. 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 and Nashville brands of cigarettes. WRT intends to manufacture the American Bison (King brand styles) of cigarettes in the six (6) brand

styles and the American Bison (100's brand styles) of cigarettes in the five (5) brand styles listed in Schedule A, attached hereto. WRT intends to manufacture the Nashville (Kings brand styles) of cigarettes in the five (5) brand styles and the Nashville (100's brand styles) of cigarettes in the five (5) brand styles listed in Schedule A. WRT seeks continued approval for the simultaneous display of health warnings on the packaging of the American Bison and Nashville brands of cigarettes for the brand styles listed in Schedule A. This 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 American Bison and Nashville brand styles manufactured by WRT:

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

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

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

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

B. WRT intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the American Bison and Nashville brand styles it manufactures. WRT will ensure equal use of the warning label statements by ordering equal quantities of packaging (packs and cartons) containing each of the four (4) warning label statements. The packaging will be delivered to WRT on pallets. Each pallet will contain a designated quantity of the packaging (e.g., 10,000 units) with an equal quantity of packaging on each pallet containing each of the four (4) warning statements (e.g., 2500 units with warning A, 2500 units with warning B, 2500 units with warning C and 2500 with warning D). WRT will load the packaging inventory from each pallet into the packaging machines and thus, produce finished packages containing the four health warnings in an equal number. Accordingly, the packs and cartons will be printed and distributed using an equal number of all four (4) warning labels. WRT shall maintain records accounting for the number of packs and cartons using each warning label. WRT will equalize the use of the four (4) warning labels on the packs and cartons of all eleven (11) American Bison brand styles and all ten (10) Nashville brand styles for the one-year period beginning on the Effective Date.

WRT's fiscal year for 2022 was the calendar year (January 1, 2022 to December 31, 2022). Please note that WRT also manufactures the Teton brand of cigarettes which is subject to a separate health warning display plan approved by the FTC. The Teton brand styles also are listed in Schedule A.

The sales volume for any one brand style of cigarettes manufactured or imported by WRT in fiscal and calendar year 2022 did not exceed [REDACTED] cigarettes. WRT does not anticipate that the sales volume for any one brand style of cigarettes it manufactures or imports for the one-year period beginning on the Effective Date shall exceed one-fourth of one percent of all cigarettes sold in the United States in that year. WRT does not now and does not intend to manufacture or import any brands of cigarettes for sale in the United States for the one-year period beginning on the Effective Date, other than the American Bison, Nashville and Teton brand styles listed in Schedule A.

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

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

III. Advertising

WRT currently has approved advertising plans in place for American Bison and Nashville brand cigarettes and continues to be in compliance with those plans. WRT has a plan for the display of health warnings on certain advertisements for American Bison brand cigarettes that was approved on April 23, 2002; a plan for the display of health warnings on internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; a plan for the display of health warnings on internet advertising for Nashville brand cigarettes that was approved on March 13, 2006; a plan for the display of health warnings on non-internet advertising for Nashville brand cigarettes that was approved on February 27, 2018; a modification of the previously approved schedule for quarterly rotation of the four warnings in advertising that was approved on February 27, 2018; and, a modification of the plans for the display of health warnings on non-internet advertising for American Bison and Nashville brand cigarettes that was approved on August 13,

2018. Any advertising of the American Bison and Nashville brand cigarettes shall be conducted in accordance with the above-referenced advertising plans.

IV. Miscellaneous

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

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

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

Sincerely,

ROETZEL & ANDRESS, LPA


Craig A. Koenigs

Reviewed and agreed by:

WIND RIVER TOBACCO COMPANY, LLC



Kevin Freudenthal
Chief Executive Officer

SCHEDULE A

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

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

January 26, 2023

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 (“WRTC”) on January 17, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated January 23, 2018, February 11, 2019, June 19, 2019, September 24, 2019, and June 2, 2020 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

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

¹ WRTC stated in its January 17, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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

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

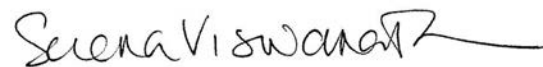
³ As set forth in its January 17, 2023 letter, WRTC is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging of the "Green (Menthol) Kings," "Black (Menthol) Kings," "Green (Menthol) 100's," and "Black (Menthol) 100's" box varieties of the Nashville brand (*e.g.*, the word "Green" does not appear on the packaging of the "Nashville Green (Menthol) Kings box" variety); however, for those varieties, the color referenced in the name does conform to the color used in the packaging.

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

This approval is effective on the date of this letter and runs through January 25, 2024 or until the new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director



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

February 9, 2023

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 VLN cigarette brand.

The VLN 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 January 24, 2022, and includes the UPC barcode change for VLN Menthol King variety cartons in our letter dated February 7, 2022.

NASCO Products, LLC believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in the Cigarette Act. For the fiscal year 2022, NASCO's sales figures for any one brand style of cigarettes manufactured did not exceed [REDACTED] sticks. Also, for the 2023 fiscal year, NASCO does not anticipate sales volume for any one brand style of cigarette that NASCO manufactures to exceed [REDACTED] sticks. NASCO Products LLC utilizes the calendar year as its fiscal year, While NASCO did manufacture the VLN cigarette brand in fiscal year 2022, NASCO sales of any one style of the VLN Cigarette brand did not exceed [REDACTED] sticks.

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

NASCO Products, LLC continues to be in compliance with its July 22, 2022, plan for the simultaneous display of the four health warnings on packaging for the Moonlight cigarette brand approved on August 3, 2022, its November 2, 2022, plan for the simultaneous display of the four health warnings on packaging of 10 styles¹ of the SF cigarette brand approved on November 17, 2022, its November 22, 2021 plan for the quarterly rotation of the health warnings on packaging for the SF Non-Filter King Soft Pack variety approved on November 24, 2021, its October 26, 2022 plan for the simultaneous display of the four health warnings on packaging for the SF Non-Filter King Box variety approved on November 4, 2022, and its December 12, 2022 plan for the simultaneous display of the four health warnings on packaging for certain varieties² of Pinnacle approved on December 15, 2022. NASCO Products, LLC does not currently import any cigarette brand and does not currently manufacture any cigarette brand other than the SF, VLN, Moonlight, and Pinnacle cigarette brands.

NASCO will continue to comply with its April 25, 2017, plan for Internet advertising of the SF brand following the rotation schedule set forth in our November 22, 2021 letter; its August 3, 2020, plan for Internet advertising of the Moonlight brand; and its February 7, 2022 plan for Internet advertising of the VLN cigarette brand. NASCO will also continue to comply with its August 6, 2021, plan for print and point-of-sale advertising up to twenty (20) square feet for the Moonlight brand and its February 7, 2022, plan for print and point-of-sale advertising up to twenty (20) square feet for the VLN cigarette 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 336-940-3769 (phone), 336-940-3669 (fax), ranguoli@xxiicentury.com (email), or 321 Farmington Rd, Mocksville, NC 27028 (mailing address).

Sincerely,



Ralph Angiuoli, Jr.
Manufacturing Services Manager

¹ SF Red Box (Kings and 100's), Blue Box (Kings and 100's), Gray Box (Kings and 100's), Menthol Dark Green Box (Kings and 100's), and Menthol Pale Green Box (Kings and 100's)

² Pinnacle Full Flavor Box (Kings and 100's), Gold Box (100's), and Menthol Box (100's)

February 9, 2023

Mr. Ralph Angiuoli, Jr.
NASCO Products, LLC
321 Farmington Road
Mocksville, NC 27028

Dear Mr. Angiuoli:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by NASCO Products, LLC (“NASCO”) on February 9, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the VLN brand of cigarettes.

NASCO’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your January 24, 2022 letter 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, NASCO’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the VLN King Box and VLN Menthol King Box varieties.

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”). 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

¹ NASCO stated in its February 9, 2023 letter that the four health warnings will appear exactly shown on the packs and cartons submitted on this date.

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

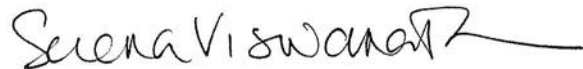
express any opinion about the adequacy of NASCO's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of 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>.

This approval is effective on the date of this letter and runs through February 8, 2024, or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director

Troutman Sanders LLP
Troutman Sanders Building, 1001 Haxall Point
Richmond, VA 23219



troutman.com

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

February 3, 2023

VIA E-MAIL

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

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

Dear Ms. Viswanathan:

On behalf of Cherokee Tobacco Company, LLC ("Cherokee"), we hereby submit a request to approve the Surgeon General's Equalization Plan for Cherokee as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), *et seq.*), as amended ("FCLAA"), for all styles of CHEROKEE brand soft and hard pack varieties listed below. Cherokee previously submitted its Plan renewal on February 4, 2022, for nineteen (19) previously-approved styles of Cherokee. Your office approved this plan on February 15, 2022.

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

Cherokee continues as the exclusive distributor of CHEROKEE brand cigarettes in the U.S. and holder of exclusive rights to the trademark for the CHEROKEE brand. The location of the factory at which Cherokee is manufactured remains at 1057 Bill Tuck Highway, South Boston, VA 24592. The contract manufacturer is Firebird Manufacturing, LLC ("Firebird"). R. Dale Powell is the Chief Operating Officer of both Cherokee and Firebird. Cherokee does not import any cigarettes. The only brand Cherokee has manufactured is the CHEROKEE brand.

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

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

Ms. Serena Viswanathan
February 3, 2023
Page 2



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

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

Beginning on the date of approval of this Plan, Cherokee will ensure that the printer will print all four warnings in equal numbers on each printed sheet of packaging for all cartons and packs, so when sheets are cut, the display of warnings will be approximately equalized on packs and cartons for each brand style. Based on the above, Cherokee requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. Cherokee will keep records demonstrating compliance with this Plan.

For advertising materials, there are no changes from the prior approved Plan dated April 11, 2005. Cherokee will maintain compliance with that Plan.

On behalf of Cherokee, we submit that this Plan complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5114, or preferably be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my cell phone number, which is 804.938.2570.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S Fitzgerald

R. Dale Powell
Chief Operating Officer



Division of
Advertising Practices

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

February 13, 2023

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

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Cherokee Tobacco Company, LLC (“Cherokee”) on February 3, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cherokee brand of cigarettes.

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

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

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

¹ Cherokee stated in its February 3, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on May 18, 2018.

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

Paige S. Fitzgerald, Esq.
February 13, 2023
Page 2

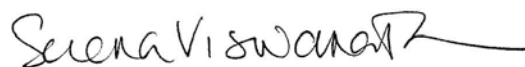
Please note that this letter only approves Cherokee's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and expires at such time new health warnings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

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

This approval is effective on the date of this letter and runs through February 12, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

Troutman Pepper Hamilton Sanders LLP
Troutman Pepper Building, 1001 Haxall Point
Richmond, VA 23219



troutman.com

Paige S. Fitzgerald

paige.fitzgerald@troutman.com

February 16, 2023

VIA EMAIL

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

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

Dear Ms. Viswanathan:

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

Great Swamp's first equalization plan was approved by the Federal Trade Commission (the "FTC") on March 10, 2011. The effective date of its most recent plan, which was filed on February 4, 2022, runs through February 14, 2023.

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

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

The fiscal year for Great Swamp is the calendar year. During 2022, Great Swamp's actual sales of all brand styles of the Cayuga Brand totaled [REDACTED] sticks, which should qualify the company for the exemption set forth in section 1333(c) of the FCLAA. Sales for 2023 are projected to be approximately [REDACTED] sticks.

Ms. Serena Viswanathan
February 16, 2023
Page 2



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

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

These are the exact same brand styles that were the subject of the equalization plan submitted by Great Swamp on February 4, 2022, as approved by the FTC on February 15, 2022; Great Swamp does not manufacture any cigarettes beyond these eleven (11) brand styles.

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

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

Based on the foregoing, Great Swamp requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA (*i.e.*, the alternative to quarterly rotation). Great Swamp is aware that the Food and Drug Administration may assume jurisdiction, at any time during 2023, for warning label compliance.

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

On behalf of Great Swamp, we submit that this Plan complies with the requirements set forth in the FCLAA and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be sent by email to paige.fitzgerald@troutman.com.

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

Ms. Serena Viswanathan
February 16, 2023
Page 3



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

Sincerely,

Paige S. Fitzgerald

A handwritten signature in black ink that reads "Crissy Murphy".

Crissy Murphy
General Manager
Great Swamp Enterprises, Inc.

February 17, 2023

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

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Great Swamp Enterprises, Inc. (“Great Swamp”), on February 16, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cayuga brand of cigarettes.

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

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

¹ Great Swamp stated in its February 16, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on January 9, 2019.

² As set forth in its February 16, 2023 letter, Great Swamp is using colors to identify its cigarette varieties (*e.g.*, “Light Green 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the words “Light Green” do not appear on the packaging of the “Light Green 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

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

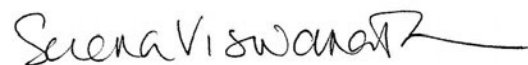
Please note that this letter only approves Great Swamp's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through February 16, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



229 Lateral A Rd., Ste. 200

Wapato, WA 98951

509-361-1623

February 16, 2023

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

RE: Lone Warrior Holdings, Inc. – Request for Approval of Health Warning Rotation Plan for Rainier, Yakama and 509 Brands

Dear Ms. Viswanathan:

Lone Warrior Holdings, Inc. is requesting approval for its plan for the simultaneous display of the four health warnings on all varieties of the Rainier, Yakama and 509 brands listed in this plan, which are sold in hard pack packaging. The Rainier, Yakama and 509 brands are manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company and Howard Lake Trading Inc. Upon approval of this plan, the contract manufacturers will manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (Jacobs Tobacco Company TTB Permit No. TP-NY-15047; Howard Lake Trading Inc. TTB Permit No. TP-WA-20006). Lone Warrior Holdings, Inc. does not have any other cigarette brands manufactured under contract and does not manufacture any other cigarette brands itself. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

The four health warnings for the Rainier and Yakama brands will appear exactly as shown on the sample packs and cartons that were enclosed in our August 16, 2019, submission. The four health warnings for the 509 brand will appear exactly as shown on the sample packs and cartons that were enclosed in our March 10, 2022, submission.

Lone Warrior Holdings, Inc. will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles listed below of the Rainier, Yakama and 509 brands for the one-year period beginning on the date of approval of this plan. Lone Warrior Holdings, Inc. will achieve equalization of the four warnings on the packs and cartons of each brand style listed below through its printing process. The contract printer will print four (4) cartons to a sheet – each carton on the sheet will have a different one of the four health warnings. Similarly, the contract printer will print sixteen (16) packs to a sheet with four (4) of each of the



229 Lateral A Rd., Ste. 200

Wapato, WA 98951

509-361-1623

health warnings repeated four (4) times. Every print run of cartons and packs will therefore have an equal distribution of health warnings and, accordingly, Lone Warrior Holdings, Inc.'s contract manufacturer's print runs will have an equal distribution of health warnings. Lone Warrior Holdings Inc. will keep records demonstrating compliance with the plan. The warnings on all packs and cartons of the Rainier, Yakama and 509 brands have been equalized to date.

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

509 Product Name
509 Ultra Smooth 100's
509 Smooth 100's
509 Menthol 100's
509 Menthol Smooth 100's
509 Full 100's
509 Ultra Smooth Kings
509 Smooth Kings
509 Menthol Kings
509 Menthol Smooth Kings
509 Full Kings

The four warnings that will be displayed are:

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



229 Lateral A Rd., Ste. 200

Wapato, WA 98951

509-361-1623

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

Lone Warrior Holdings, Inc.'s fiscal year is the calendar year. In fiscal year 2022 Lone Warrior Holdings Inc. sold [REDACTED] cigarettes, all of which were of the Rainier, Yakama and 509 brands.

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

Sincerely,

A handwritten signature in cursive script that reads 'Kanim James'.

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President, Chief Operating Officer

229 Lateral A Rd, Ste 200

Wapato, WA 98951

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net



Division of
Advertising Practices

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

March 7, 2023

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

Dear Mr. James:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Lone Warrior Holdings, Inc. (“Lone Warrior”) on February 16, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Rainier, Yakama, and 509 brands of cigarettes.

Lone Warrior’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your August 16, 2019 and March 10, 2022 letters continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Lone Warrior stated in its February 16, 2023 plan that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Mr. Kanim James

March 7, 2023

Page 2

- Ten hard pack varieties of the 509 brand: Full (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), and Menthol Smooth (Kings and 100's).

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

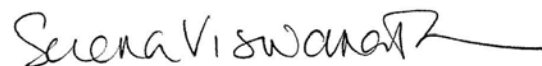
Please note that this letter only approves Lone Warrior's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through March 6, 2024, or until new health warnings required under the TCA take effect, whichever comes first

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

Very truly yours,



Serena Viswanathan
Associate Director

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



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

March 6, 2023

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

**RE: COMMONWEALTH BRANDS, INC.
 2023 CIGARETTE WARNING LABEL ROTATION PLANS**

Dear Ms. Viswanathan:

Commonwealth Brands, Inc. (“Commonwealth Brands”), 714 Green Valley Road, Greensboro, NC 27408, hereby submits its 2023 Cigarette Warning Label Rotation plans for the following brands.

Crowns	Rave
Fortuna	Sonoma
Montclair	USA Gold

This letter requests approval of a plan to conduct our manufacturing operations so that the four health warnings specified in 15 USC §1333(a)(1) of the Federal Cigarette Labeling and Advertising Act (the "Cigarette Labeling Act"), shall appear on the packages and cartons of each brand style of cigarettes on **Exhibit A** an equal number of times during the 12-month period starting from the date this the plan is approved by the FTC. The current plan approved by the FTC is valid through March 9, 2023. These brand styles meet the statutory requirements for the equalization method set out in 15 USC §1333(c)(2)(C) in that (i) none of the brand styles subject to this plan have sales in excess of one-fourth of 1 percent of all cigarettes sold in the U.S. during Commonwealth Brands' most recent fiscal year preceding submission of this application; and (ii) more than 50% of the cigarettes manufactured by Commonwealth Brands are packaged into brands styles that fall below the maximum volume set out in (i) above. Through the date of this application the Surgeon General's warnings on the packages for the Commonwealth Brands brand styles previously approved for the equalization method have been equalized in accordance with its previously approved plans. If this request is approved, Commonwealth Brands will require one-fourth of each package and

Ms. Serena Viswanathan

March 6, 2023

Page 2

carton material order for all brand styles in **Exhibit A** to be printed with each of the four warnings. Commonwealth Brands will maintain records that document compliance with this plan.

The sales figures for Commonwealth Brands’ brand styles during the most recent fiscal year preceding submission of this application (ending September 30, 2022) are reported in the attached **Exhibit B**.

During 2023, Commonwealth Brands will manufacture 68 brand styles. The Sonoma Red Kings Box and the Sonoma Red 100s Box are separately approved on a quarterly rotation schedule. On October 28, 2022, Commonwealth Brands received approval from the FTC to expand its plan to include simultaneous display of the four health warnings on packaging for the following Crowns brand styles: Crowns Blue 100s Box, Crowns Menthol Dark Green Kings Box and Crowns Menthol Green Kings Box. However, Commonwealth Brands to date has not manufactured or sold these three brand styles during 2023.

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

Brand(s)	Date(s)
Crowns	February 28, 2018 September 21, 2022
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

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

A listing of all Commonwealth Brands' styles for 2023 for which this quarterly rotation exemption plan applies is attached in **Exhibit A**. The sales figures for each of Commonwealth Brands' styles during its most recent fiscal year preceding submission of this application are reported in the attached **Exhibit B**. Industry sales for the corresponding one-year period ending September 30, 2022, were [REDACTED] units. The source of industry sales information is the *MSAI CRA Shipment Database for Fourth Quarter 2021 and First, Second and Third Quarters, 2022*. Commonwealth Brands' sales volume is measured on a fiscal year.

Ms. Serena Viswanathan

March 6, 2023

Page 3

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

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

Fortuna - The July 16, 2008 plan for advertising which included a plan for display of the warnings in internet advertising.

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

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

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

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

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

Commonwealth Brands also hereby requests approval to expand its advertising plan to include Spanish language advertising up to 14 square feet in size (category 8) for the Crowns, Fortuna, Montclair, Rave, Sonoma and USA Gold brands. Spanish language warnings will be displayed in advertisements that are in Spanish and when an ad is placed in a Spanish publication. The Spanish warnings are attached as **Exhibit D** and will be rotated quarterly according to the advertising schedule set out in the attached **Exhibit C**. Commonwealth Brands will utilize acetates from the same provider that ITG Brands, LLC ("ITG Brands") uses. Copies of those acetates were provided to the FTC by ITG Brands on September 22, 2016 and October 27, 2016. ITG Brands' plan was approved by the FTC on November 15, 2016.

Ms. Serena Viswanathan

March 6, 2023

Page 4

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Geraldine Bowen Barker". The signature is written in a cursive style and is placed over a light blue rectangular background.

Geraldine Bowen Barker

Associate General Counsel

714 Green Valley Road

Greensboro, NC 27408

Cell Phone: 336-601-5479

Work Phone: 336-894-6253

Geraldine.bowen@itgbrands.com

Attachments:

Exhibit A - Current List of Brand Styles

Exhibit B - Cigarette Volume 10/01/2021-09/30/2022

Exhibit C - Quarterly Warning Rotation Plan for Advertisements

Exhibit D - Spanish Language Warnings

EXHIBIT A

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

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

CROWNS

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

FORTUNA

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

MONTCLAIR

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

RAVE

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

SONOMA

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

USA GOLD

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

EXHIBIT B

**COMMONWEALTH BRANDS, INC. SALES
Fiscal Year 2022**

Brand (SKU)	Total Units FY 22
CROWNS GOLD KING SIZE BOX	
CROWNS GOLD 100S BOX	
CROWNS MENTHOL GREEN 100S BOX	
CROWNS RED KING SIZE BOX	
CROWNS RED 100S BOX	
CROWNS MENTHOL DARK GREEN 100S BOX	
CROWNS BLUE 100S BOX	
CROWNS MENTHOL DARK GREEN KINGS BOX	
CROWNS MENTHOL GREEN KINGS BOX	
CROWNS	
FORTUNA BLUE FILTER KING SIZE BOX	
FORTUNA BLUE FILTER100S BOX	
FORTUNA MENTHOL GREEN FILTER KING SIZE BOX	
FORTUNA MENTHOL GREEN FILTER 100S BOX	
FORTUNA RED FILTER KING SIZE BOX	
FORTUNA RED FILTER 100S BOX	
FORTUNA MENTHOL FILTER DARK GREEN KING SIZE BOX	
FORTUNA MENTHOL FILTER DARK GREEN 100S BOX	
FORTUNA PALE BLUE FILTER KING SIZE BOX	
FORTUNA PALE BLUE FILTER 100S BOX	
FORTUNA	
MONTCLAIR MENTHOL GOLD FILTER 100S BOX	
MONTCLAIR SILVER FILTER 100S BOX	
MONTCLAIR BLUE FILTER 100S BOX	
MONTCLAIR BLACK FILTER 100S BOX	
MONTCLAIR BLACK KING SIZE BOX	
MONTCLAIR BLUE KING SIZE BOX	
MONTCLAIR MENTHOL DARK GREEN 100S BOX	
MONTCLAIR MENTHOL DARK GREEN KING SIZE BOX	
MONTCLAIR	
RAVE GOLD KINGS BOX	
RAVE GOLD 100S BOX	
RAVE RED KINGS BOX	
RAVE RED 100S BOX	
RAVE MENTHOL DARK GREEN KINGS BOX	
RAVE MENTHOL DARK GREEN 100S BOX	
RAVE	

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

EXHIBIT C

COMMONWEALTH BRANDS
ADVERTISING ROTATION PLAN

QUARTER IN WHICH
MATERIALS ARE
PRODUCED

WARNING NOTICE UTILIZED

BRAND

USA GOLD

SONOMA

MONTCLAIR

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

A
B
C
D

C
D
A
B

D
A
B
C

FORTUNA

CROWNS

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

A
B
C
D

C
D
A
B

RAVE

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

B
C
D
A

MULTIPLE BRANDS/
NON-BRAND SPECIFIC

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

A
B
C
D

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

SPANISH

STATEMENT A

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

ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Causa Cáncer del Pulmón, Enfermedades del Corazón, Enfisema, y Puede Complicar el Embarazo.

STATEMENT B

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

ADVERTENCIA DEL CIRUJANO GENERAL: Dejar de Fumar Ahora Reduce Enormemente Los Graves Riesgos Para Su Salud.

STATEMENT C

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

ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Durante el Embarazo Puede Causar Daño Fetal, Parto Prematuro y Reducir el Peso del Recién Nacido.

STATEMENT D

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

ADVERTENCIA DEL CIRUJANO GENERAL: El Humo del Cigarrillo Contiene Monóxido de Carbono.

March 8, 2023

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

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Commonwealth Brands, Inc. (“Commonwealth”) on March 6, 2023, calling for (1) quarterly rotation of the four Spanish language health warnings in Spanish language advertisements up to 14 square feet in size for the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes.

Commonwealth’s March 6, 2023 expansion of its advertising plan to include rotation of the Spanish language warnings in Spanish language advertisements up to 14 square feet in size for the Crowns, Fortuna, Montclair, Rave, Sonoma, and USA Gold brands of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Commonwealth’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Red Kings Box and Red 100’s Box varieties of the Sonoma brand,¹ and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:²

¹ Commonwealth’s plan for quarterly rotation of the four health warnings on packaging for the Sonoma Red Kings Box and Sonoma Red 100’s Box varieties was approved on March 10, 2022 and does not require annual approval.

² Commonwealth stated in its March 6, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Crowns	February 28, 2018 September 21, 2022
Fortuna	February 28, 2018
Montclair	August 7, 2018
Rave	February 28, 2018
Sonoma	February 28, 2018 March 28, 2018 August 7, 2018
USA Gold	February 28, 2018 March 28, 2018 April 9, 2018

Accordingly, Commonwealth’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **March 7, 2024, or until new health warnings required under the TCA take effect, whichever comes first:**³

- Nine varieties of the Crowns brand: Red Kings Box, Red 100’s Box, Gold Kings Box (tan packaging), Gold 100’s Box (tan packaging), Blue 100’s Box, Menthol Dark Green Kings Box, Menthol Dark Green 100’s Box, Menthol Green Kings Box, and Menthol Green 100’s Box;
- Ten varieties of the Fortuna brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Pale Blue Kings Box, Pale Blue 100's Box, Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Green Kings Box (blue/green packaging), and Menthol Green 100's Box (blue/green packaging);
- Eight varieties of the Montclair brand: Black Kings Box, Black 100’s Box, Blue Kings Box, Blue 100’s Box, Silver 100’s Box, Menthol Dark Green Kings Box, Menthol Dark Green 100’s Box, and Menthol Gold 100's Box;

³ We note that Commonwealth is using colors in the names of many of its cigarette varieties (*e.g.*, Crowns Red Kings Box) and, except as specified below, the color used for a variety’s packaging does conform to the color used in its name. We also note that for many of Commonwealth’s varieties neither the color names nor the word “menthol” are printed on the packaging.

- Six varieties of the Rave brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Dark Green Kings Box, and Menthol Dark Green 100's Box;
- Thirteen varieties of the Sonoma brand: Red 100's soft pack, Gold Kings Box (tan packaging), Gold 100's soft pack (tan packaging), Gold 100's Box (tan packaging), Blue 100's Box (blue/gray packaging), Blue 100's soft pack (blue/gray packaging), Menthol Dark Green Kings Box, Menthol Dark Green 100's Box, Menthol Dark Green 100's soft pack, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Green 100's soft pack, and Non-filter Kings soft pack; and
- Twenty varieties of the USA Gold brand: Red Kings Box, Red Kings soft pack, Red 100's Box, Red 100's soft pack, Gold Kings Box, Gold Kings soft pack, Gold 100's Box, Gold 100's soft pack, Blue Kings Box, Blue Kings soft pack, Blue 100's Box, Blue 100's soft pack, Menthol Gold Kings soft pack, Menthol Gold 100's Box, Menthol Gold 100's soft pack, Menthol Kings Box (Dark Green Packaging), Menthol Kings soft pack (Dark Green Packaging), Menthol 100's Box (Dark Green Packaging), Menthol 100's soft pack (Dark Green Packaging), and Non-filter Kings soft pack.

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

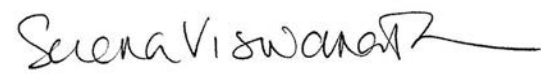
Please note that this letter only approves Commonwealth's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and, if not already expired, expires at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

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

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



March 2, 2023

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

Re: New Decade brand cartons and packs

Dear Ms. Viswanathan,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura. The Company has a plan that was approved by the FTC on March 29, 2022 that calls for equalization of the warnings on certain varieties of our Cheyenne, Decade and aura brands. The purpose of this submission is to share with your office new packaging samples for 10 of the Decade styles.

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

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

701 S. Battleground Avenue
Grover, North Carolina 28073

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

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

The warnings on our previously approved packaging appear exactly as shown on those samples.

For your review, included with our submission of February 10, 2023, were updated samples of actual cartons and packs of the above styles displaying the four different required warnings. The warnings on our updated packaging will appear exactly as shown on these samples. Our intention is to begin using the updated version of the cartons and packs in April of this year. Pending the approval of this request for modified packaging of certain varieties of the Decade brand, both the old and new versions of packaging will be in the marketplace simultaneously until the old versions of packs and cartons have been sold to consumers.

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

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

We have ceased production, marketing and sale of the 5 'Platinum' styles listed above. These 5 styles are no longer available in the marketplace, thus no updated carton and packs samples for these styles will be submitted.

With this submission of new Decade packaging, the Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one-year period of this plan, which began March 29, 2022 and runs through March 28, 2023. We will maintain sufficient records to demonstrate compliance with the plan.

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

Sincerely,

Digitally signed by David A. Scott
DN: cn=David A. Scott, o=Cheyenne International LLC, ou,
email=davidscott@cheyenneintl.com, c=US
Date: 2023.03.02 13:00:36 -05'00'

David A. Scott
Chief Executive Officer

701 S. Battleground Avenue
Grover, North Carolina 28073

Selected packaging samples from those
submitted with the plan.



MADE IN THE USA

10 PACKS OF 20 CLASS A CIGARETTES

RED

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

DECADE

RED

10 PACKS OF 20 CLASS A CIGARETTES

RED

MADE IN THE USA

UNDERAGE SALE PROHIBITED

FSC



www.decadecigs.com
©2022 Cheyenne International, LLC.
Grover, NC 28073
SALE ONLY ALLOWED IN
THE UNITED STATES.

10 PACKS OF
20 CLASS A CIGARETTES

DECADE

RED

DECADE

RED



Division of
Advertising Practices

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

March 9, 2023

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

Dear Mr. Scott:

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

By letter dated March 2, 2023, you now propose to modify the packaging for the following ten varieties of the Decade brand: Red Box (Kings and 100's), Gold Box (Kings & 100's), Silver Box (Kings and 100's), Menthol Box (Kings and 100's), and Menthol Silver Box (Kings and 100's).

It appears that the health warnings on the modified packs and cartons for the aforementioned varieties of the Decade brand submitted with your letter of February 10, 2023, continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission’s March 29, 2022 approval of Cheyenne’s plan for simultaneous display of the warnings on packaging for certain varieties of its cigarettes expires on **March 28, 2023 or when new health warnings required under the TCA take effect, whichever comes first**. This letter does not extend that approval period.

Please note that this letter only approves Cheyenne’s submitted packaging modifications with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Cheyenne’s cigarettes. Nor does this letter purport to interpret or express any

¹ Cheyenne stated in its March 2, 2023 letter that it intends to run out its existing inventory of previously approved packaging for these varieties.

Mr. David A. Scott

March 9, 2023

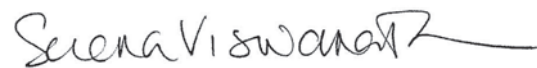
Page 2

opinion about the adequacy of Cheyenne’s packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



March 13, 2023

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

Re: Request for annual plan renewal approval for 2023

Dear Ms. Viswanathan:

Premier Manufacturing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on certain varieties of the 1st Class, the Shield, the 1839, the Manitou and the Traffic Brands. Our plan for display of warnings was approved January 27, 2022 and the plan to modify the packaging for certain varieties of 1839 Brand was approved on June 17, 2022. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed in our March 11, 2015 letter, January 16, 2019 letter and April 26, 2022 letter.

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

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

(1)

www.GoPremier.com

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



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

The four warnings that will be displayed are:

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

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

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

(2)

www.GoPremier.com

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



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

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

Sincerely,

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

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

(3)



Division of
Advertising Practices

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

March 13, 2023

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. (“Premier”) on March 13, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Manitou, Shield, Traffic brands of cigarettes.

Premier’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 11, 2015, January 16, 2019, and April 26, 2022 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Premier stated in its March 13, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Terri Albright

March 13, 2023

Page 2

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

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

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

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

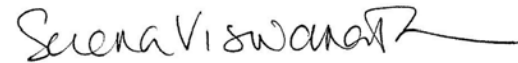
This approval is effective on the date of this letter and runs through March 12, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Ms. Terri Albright
March 13, 2023
Page 3

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

Very truly yours,

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

Serena Viswanathan
Associate Director



Serena Viswanathan
Associate Director, Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave NW
Mail Drop CC-10528
Washington, DC 20580
Attn: Connor Sands

March 3, 2023

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

Dear Mr. Sands:

Per your request, we have revised our previously submitted letter. On April 6, 2022, Rock River's plan for simultaneous display of the health warnings on packaging for varieties of the Dakota, FireDance, One Spirit, and Silver Cloud brands of cigarettes was approved. We now seek approval for simultaneous display of the warnings on packaging for the varieties of Nation Brand that we intend to manufacture. We do not import or manufacture any other varieties of cigarettes.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA with regard to the Nation brand including a discussion of the warning label size and location, the warning label equalization, and records of compliance.

A. Warning Label Size and Location

Nation:

Nation Red 100 Box
Nation Gold 100 Box

Nation Red King Box
Nation Gold King Box

Page 2
March 3, 2023

Nation Silver 100 Box	Nation Silver King Box
Nation Menthol 100 Box	Nation Menthol King Box
Nation Menthol Gold 100 Box	Nation Menthol Gold King Box

The cartons and packages will be prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Nation brand styles exactly as they appear on the samples submitted with the letter submitted on Nov 15, 2022.

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

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

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

Rock River's sales figures for all brand styles of the manufactured Silver Cloud, Fire Dance, and Dakota for the fiscal year of January 1, 2022 through December 31, 2022 by style by sticks are as follows:

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
--------------	-------------------------

Silver Cloud Red 100s Box	
Silver Cloud Gold 100s Box	
Silver Cloud Silver 100s Box	
Silver Cloud Menthol 100s Box	
Silver Cloud Menthol Gold 100s Box	
Silver Cloud Red King Box	
Silver Cloud Gold King Box	
Silver Cloud Menthol King Box	
Fire Dance Regular Full Flavor 100s Box	
Fire Dance Regular Full Flavor King Box	
Fire Dance Regular Smooth 100s Box	
Fire Dance Regular Smooth King Box	
Fire Dance Menthol 100s Box	
Fire Dance Menthol King Box	
Fire Dance Menthol Smooth 100s Box	

Serena Viswanathan
Page 3
March 3, 2023

Fire Dance Regular Ultra Smooth 100s Box

Dakota Red 100s Box

Dakota Red Kings Box

Dakota Gold 100s Box

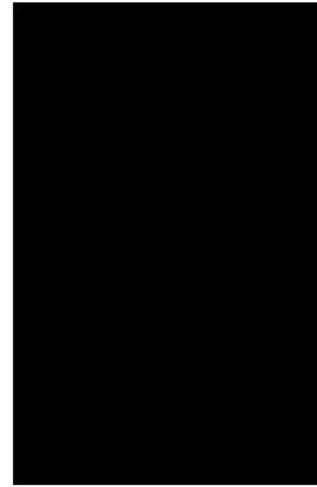
Dakota Gold King Box

Dakota Menthol 100s Box

Dakota Menthol King Box

Dakota Menthol Gold 100s Box

Dakota Silver 100s Box



Rock River also plans to manufacture One Spirit brand [REDACTED] sales in 2022. In 2022, Rock River did not import or manufacture any other brands or brand styles than those listed above.

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

C. Records of Compliance

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

II ADVERTISING

Rock River's July 7, 2015 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Silver Cloud brand was approved on July 10, 2015. Rock River's plan for quarterly rotation of the four health warnings in internet advertising for the Silver Cloud brand was approved on May 23, 2016. Rock River's April 26, 2017 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size and for internet advertising for the One Spirit and Fire Dance brands was approved on April 27, 2017. Rock River's October 16, 2018 plan for quarterly rotation of the four health warnings in print advertising up to 160 square feet in size for the Dakota brand was approved on November 6, 2018. Rock River will maintain compliance with these plans.

Rock River seeks approval for this advertising plan that includes advertising in print and online for Nation brand.

Rock River will use the warning formats that were submitted with the 1985 plans for the 5 leading United States cigarette manufacturers, and will place the warnings as specified in those plans. Copies of the formats we will be using were submitted with our letter on Feb 15, 2017. The size of our advertisements will not exceed 160 square feet. Accordingly, for its advertising, Rock River proposes the quarterly rotation of warning labels in its advertisements as set forth in the schedule below.

Rock River shall advertise online on company controlled webpages by displaying the packaging against backdrops. In internet advertising, the warnings will be displayed in an unavoidable manner on every webpage, where it may be viewed without scrolling, and shall not be accessed by hyperlinks, pop-ups, interstitials, or other similar means. The warnings will be displayed in an unavoidable manner along with an age verification step that blocks users from accessing the cigarette carton images until age is verified. Where images of the cigarette cartons are displayed, the warnings will still be displayed in an unavoidable manner. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the schedule set out below. The warnings will appear the same as they appear on our Silver Cloud website, available at: <https://www.silvercloutobacco.com/>.

A. Warning Label Rotation

Rock River will maintain the following quarterly rotation schedule for advertising of the Nation brand using the four required warning statements.

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

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

Serena Viswanathan

Page 5

March 3, 2023

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

Sincerely,

DocuSigned by:
Adam Bowen
15D96F80BA35404...
Adam Bowen



Division of
Advertising Practices

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

March 13, 2023

Mr. Adam Bowen
Rock River Manufacturing
220 Reuben Snake Ave.
Winnebago, NE 68071

Dear Mr. Bowen:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Rock River Manufacturing (“Rock River”) on March 3, 2023, calling for: (1) quarterly rotation of the four health warnings in advertising up to one hundred and sixty square feet in size for the Nation brand; (2) quarterly rotation of the four health warnings in Internet advertising for the Nation brand; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Nation brand of cigarettes.

Rock River’s plan for rotation of the warnings in the aforementioned advertising for the Nation brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Lawrence C. Keller at 202-598-2781) to determine whether such advertising on the Internet is permissible.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated November 15, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Rock River stated in its March 3, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on November 15, 2022.

Mr. Adam Bowen
March 13, 2023
Page 2

Accordingly, Rock River's plan for simultaneous display of the four health warnings on packaging for the following ten varieties of the Nation brand is hereby approved effective on the date of this letter and runs through **March 12, 2024, or until new health warnings required under the TCA take effect, whichever comes first**: Red Box (Kings and 100's), Gold Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Box (Kings and 100's), and Menthol Gold Box (Kings and 100's).

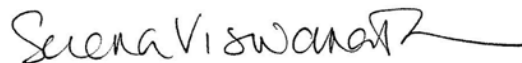
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves Rock River's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"), and, if not already expired, expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Rock River's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Rock River's packaging and advertising under the 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.



March 14, 2023

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

Re: Request for annual plan renewal approval

Dear Ms. Viswanathan:

King Maker Marketing, Inc. is requesting approval to renew its plan for the simultaneous display of the four health warnings on nine varieties of the Wildhorse Brand, eight varieties of the Ultra Buy Brand and eight varieties of the Ace Brand. Our plan to display the warnings on packaging for varieties of Wildhorse was approved January 27, 2022 and for varieties of Ultra Buy Brand was approved on June 17, 2022 and for varieties of Ace Brand was approved August 1, 2022. We are seeking approval to cover these varieties. The warnings on all packs and cartons of each of our Brand styles have been equalized to date. The warnings will appear exactly as shown on the following Brands sample packs and cartons on the submitted dates below:

- Wildhorse Brand – submitted on October 26, 2017
- Ultra Buy Brand – submitted on April 26, 2022
- Ace Brand – submitted on July 13, 2022

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

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

Eight varieties of Ultra Buy Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100's Box and Silver 100's Box.

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

The four warnings that will be displayed are:

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

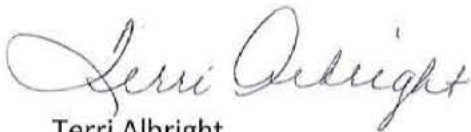
King Maker Marketing will continue to comply with the advertising rotation plan previously approved.

King Maker sales for the last fiscal year (calendar year 2022) did not exceed [REDACTED] sticks for any one brand style that we manufacture. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan. King Maker Marketing does not import cigarettes.

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

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

Sincerely,



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



Division of
Advertising Practices

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

March 14, 2023

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. (“King Maker”) on March 14, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Ultra Buy, and Wildhorse brands of cigarettes.

King Maker’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your October 26, 2017, April 26, 2022, and July 13, 2022 letters appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, King Maker’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

- Eight Box varieties of the Ace brand: Red Kings, Red 100’s, Yellow Kings, Yellow 100’s, Blue 100’s, Menthol 10 Kings, Menthol 10 100’s, and Menthol 94 100’s;
- Eight Box varieties of the Ultra Buy brand: Red Kings, Red 100’s, Blue Kings, Blue 100’s, Silver 100’s, Menthol Green Kings, Menthol Green 100’s, and Menthol Silver 100’s; and
- Nine Box varieties of the Wildhorse brand: Red Kings, Red 100’s, Gold Kings, Gold 100’s, Silver Kings, Silver 100’s, Menthol Green Kings, Menthol Green 100’s, and Menthol Silver 100’s.

¹ King Maker stated in its March 14, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Terri Albright
March 14, 2023
Page 2

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

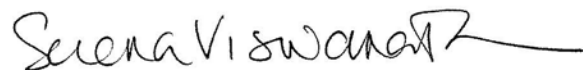
Please note that this letter only approves King Maker's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through March 13, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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

AZUMA CORPORATION

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

March 9, 2023

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

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

Dear Ms. Viswanathan:

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

On February 17, 2022, the Federal Trade Commission (FTC) approved Azuma's equalization plan for the following brand styles which Azuma manufactures:

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

- Ten box varieties of the Tucson brand: Red Bull (Kings and 100's), Blue Bull (Kings and 100's), Golden Bull (Kings and 100's), Menthol (Kings and 100's), and Menthol Mist (Kings and 100's).

The warnings on the Heron, Sands, Tracker, and Tucson brand styles have and will continue to appear exactly as shown on the sample packs and cartons enclosed with our April 4, 2018, April 26, 2018, and May 18, 2018, January 29, 2020, October 28, 2021, and January 10, 2022 letters.

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

Tucson--

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

Heron--

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

Sands—

1. Sands Red Kings Box
2. Sands Gold Kings Box
3. Sands Silver Kings Box
4. Sands Menthol Kings Box
5. Sands Menthol Blue Kings Box

6. Sands Red 100's Box
7. Sands Gold 100's Box
8. Sands Silver 100's Box
9. Sands Menthol 100's Box
10. Sands Menthol Blue 100's Box

Tracker—

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

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

Azuma’s anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we manufactured for the 2022 fiscal year are set out in Exhibit A. Azuma will manufacture the Tracker, Tucson, Sands, and Heron brand styles. Azuma does not import any cigarettes.

If this plan for the alternative to quarterly rotation of the warnings on the packaging is approved, we will display the four (4) cigarette health warnings on the packs and cartons of each Tucson, Tracker, Heron and Sands cigarette brand styles listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Tucson, Tracker, Heron and Sands brand an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings. There are approximately 200 units between warning labels. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Azuma Corporation will place an order of the specific warning label(s) that need to be equalized. Azuma Corporation will maintain records of compliance with the approved plan.

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

Thank you for your prompt attention to this matter and for your assistance. If you have any questions or comments with respect to any of the foregoing, please do not hesitate to contact Ben Fenner at 202-450-4887.

Sincerely,


Azuma Corporation
Alyssa Rose

Compliance Officer
(530) 638-5770

Cc: Ben Fenner, Esq.
401 9th Street NW, Ste 700
Washington, DC 20004
bfenner@ndnlaw.com

EXHIBIT A

TRACKER SALES NUMBERS (STICKS) FOR FISCAL YEAR 2022		
Tracker Blue Eagle 100s	[REDACTED]	sticks
Tracker Blue Eagle Kings	[REDACTED]	sticks
Tracker Green Mist 100s	[REDACTED]	sticks
Tracker Green Mist Kings	[REDACTED]	sticks
Tracker Red Bear Kings	[REDACTED]	sticks
Tracker Red Bear 100s	[REDACTED]	sticks
Tracker Golden Panther Kings	[REDACTED]	sticks
Tracker Golden Panther 100s	[REDACTED]	sticks
Tracker Green Forest Kings	[REDACTED]	sticks
Tracker Green Forest 100s	[REDACTED]	sticks

SANDS SALES NUBMER (STICKS) FOR FISCAL YEAR 2022		
Sands Red 100s	[REDACTED]	sticks
Sands Red King	[REDACTED]	sticks
Sands Gold 100	[REDACTED]	sticks
Sands Gold King	[REDACTED]	sticks
Sands Silver 100	[REDACTED]	sticks
Sands Silver King	[REDACTED]	sticks
Sands Menthol 100	[REDACTED]	sticks
Sands Menthol King	[REDACTED]	sticks
Sands Menthol Blue 100	[REDACTED]	sticks
Sands Menthol Blue King	[REDACTED]	sticks

TUCSON SALES NUMBERS (STICKS) FOR FISCAL YEAR 2022		
Tucson Blue Bull 100s	[REDACTED]	sticks
Tucson Blue Bull Kings	[REDACTED]	sticks
Tucson Menthol Mist 100s	[REDACTED]	sticks
Tucson Menthol Mist Kings	[REDACTED]	sticks
Tucson Red Bull Kings	[REDACTED]	sticks
Tucson Red Bull 100s	[REDACTED]	sticks
Tucson Golden Bull Kings	[REDACTED]	sticks
Tucson Golden Bull 100s	[REDACTED]	sticks
Tucson Menthol Kings	[REDACTED]	sticks
Tucson Menthol 100s	[REDACTED]	sticks

HERON BLACK SALES NUBMER (STICKS) FOR FISCAL YEAR 2022		
Black Red 100s	[REDACTED]	sticks
Black Red King	[REDACTED]	sticks
Black Gold 100	[REDACTED]	sticks
Black Gold King	[REDACTED]	sticks
Black Menthol 100	[REDACTED]	sticks
Black Menthol King	[REDACTED]	sticks

HERON CRIMSON SALES NUBMER (STICKS) FOR FISCAL YEAR 2022		
Crimson 100s	[REDACTED]	sticks
Crimson Kings	[REDACTED]	sticks



Division of
Advertising Practices

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

March 15, 2023

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

Dear Ms. Rose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Azuma Corporation (“Azuma”) on March 9, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Sands, Tracker, and Tucson brands of cigarettes.

Azuma’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 4, 2018 and April 26, 2018 (Heron and Sands), May 18, 2018 and January 29, 2020 (Tracker), and October 28, 2021 and January 10, 2022 (Tucson) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Azuma stated in its March 9, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Ms. Alyssa Rose

March 15, 2023

Page 2

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

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

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

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

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

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

Ms. Alyssa Rose

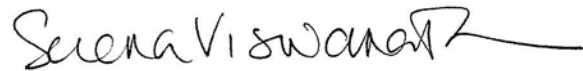
March 15, 2023

Page 3

This approval is effective on the date of this letter and runs through March 14, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director

Eric B. Estes
General Counsel

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

March 16, 2023

Via Federal Express – Overnight Delivery

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

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

Dear Ms. Viswanathan:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the “Act”) 15 U.S.C. §§ 1331, *et seq.*, Xcaliber International, Ltd., L.L.C. (“Xcaliber”), submits the following narrative describing its plan to comply with the health warning display requirements. This plan represents the renewal of the plan previously approved by the Federal Trade Commission (“FTC”) on March 18, 2022, for the packaging of the brand families “Berkley,” “Berley,” “Echo,” “Edgefield,” “Exeter,” “Golden Blend,” “Gsmoke,” “Mainstreet,” “Royal,” and “Sport,” (collectively as the “Brands”). For the brand family “24/7,” this plan represents the renewal of the plan previously approved by the FTC on March 18, 2022, for all brand styles other than “24/7 Box 100 Red” and “24/7 Box King Red.” For both “24/7 Box 100 Red” and “24/7 Box King Red,” as outlined more fully *infra*, this represents a new plan to satisfy the health warning display requirements. Through the date of this application, the Surgeon General’s warnings on the Brand’s packaging have been equalized in accordance with the Act. All Brands and their styles are listed on **Attachment 1**. All of the Brands for which this plan is submitted are manufactured in Pryor, Oklahoma, by Xcaliber.

I. Packaging

- a. Warning Label Size and Location. Warnings will appear exactly as shown on the packs and cartons enclosed with Xcaliber’s submissions, dated June 6, 2019, and March 12, 2021, and February 22, 2022. The warning statements are permanently imprinted on cigarette packs and cartons. The samples provided include each of the four warnings on packs and cartons for each brand style submitted.
- b. Warning Label Rotation. Pursuant to Section 1333(c)(2) of the Act, for one year, beginning with the approval date of this plan, Xcaliber will display the

four warnings an equal number of times on the packs and cartons for each of the brand styles listed on **Attachment 1**, other than the brand styles “24/7 Box 100 Red” and “24/7 Box King Red.” Through the date of this application, the Surgeon General’s warnings on the packs and cartons of each Brand style of packaging have been equalized in accordance with the plan approved by the FTC.

Please note Xcaliber’s plan is based on the alternative to quarterly rotation provided in 15 U.S.C. Section 1333(c)(2) for all brand styles other than “24/7 Box 100 Red” and “24/7 Box King Red.” Xcaliber hereby states that the yearly sales volume for each brand style of the Brands, other than the brand styles other than “24/7 Box 100 Red” and “24/7 Box King Red,” remains below the threshold under which the FTC may permit Xcaliber to display the four warnings an equal number of times during the year. A schedule is attached reflecting Xcaliber’s total sales for fiscal year 2022 and the first month of fiscal year 2023. This schedule is provided as **Attachment 2.1** and **Attachment 2.2**, respectively.

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

As outlined *supra*, this represents a new plan for the brand styles “24/7 Box 100 Red” and “24/7 Box King Red.” Each of these brand styles had sales in 2022 that unexpectedly exceeded the volumes permitted to qualify for the alternative to quarterly rotation under 15 U.S.C. Section 1333(c)(2). Accordingly, on packs and cartons of the brand styles “24/7 Box 100 Red” and “24/7 Box King Red,” effective July 1, 2023, Xcaliber will rotate display of the warnings quarterly on packaging based on the date of manufacture, in accordance with the schedule attached as **Attachment 3**, which was previously submitted as an advertising rotation schedule to the FTC on July 11, 2019.

From the date of the approval of this plan until June 30, 2023, Xcaliber respectfully requests that it be permitted to display the four warnings on “24/7

Box 100 Red” and “24/7 Box King Red” an equal number of times on the packs and cartons. Xcaliber did not realize that these brands would exceed the volumes permitted as an alternative to quarterly rotation permitted by 15 U.S.C. Section 1333(c)(2). Because it neither has print plates nor packaging currently in place, Xcaliber cannot rotate the health warnings on a quarterly basis and needs time to prepare for this transition. Over the next calendar quarter, Xcaliber will diligently work with print providers and other vendors to create new print plates and packaging so that it can implement the new plan for “24/7 Box 100 Red” and “24/7 Box King Red” on the July 1, 2023 date outlined *supra*.

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

II. Advertising

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

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

Warmest Regards,



Eric B. Estes
General Counsel

Attachment 1 – Current Brand Families and Styles

The attachment is provided on the following pages.

24/7

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

Red 100
Gold 100
Silver 100
Menthol 100
Menthol Gold 100

Red King
Gold King
Menthol King

BERKLEY

Soft Pack

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

Box

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

BERLEY

Soft Pack

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

Box

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

ECHO

Soft Pack

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

Box

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

EDGEFIELD

Note: Edgefield is only available in a box.

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

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

EXETER

Soft Pack

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

Box

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

GOLDEN BLEND

Soft Pack

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

Box

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

GSMOKE

Soft Pack

Blue 100
Menthol 100

Box

Red 100
Gold 100
Red King
Gold King

MAINSTREET

Soft Pack

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

Box

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

ROYAL

Note: Royal is only available in a box.

Red 100

Menthol 100

SPORT

Soft Pack

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

Box

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

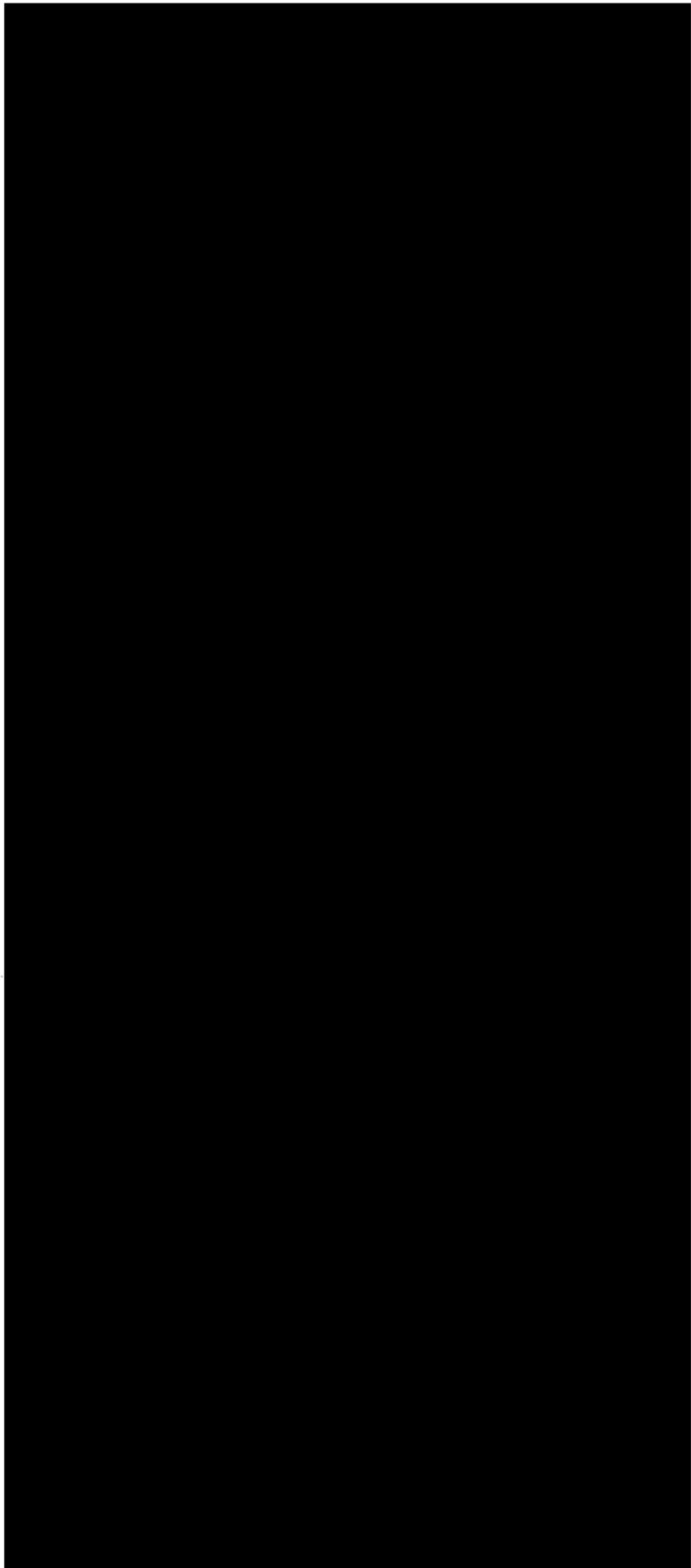
Attachment 2.1 – 2022 Sales Data

The attachment is provided on the following pages.

ATTACHMENT 2.1

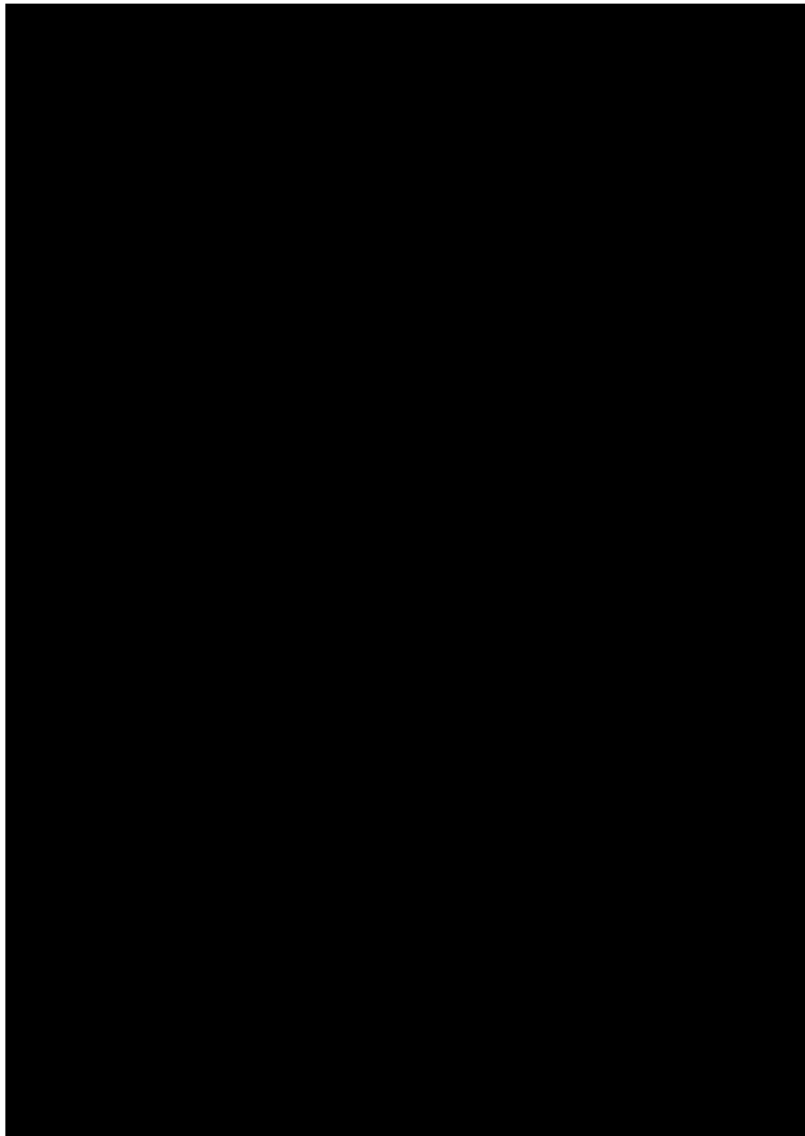
Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL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

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



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

Grand Total



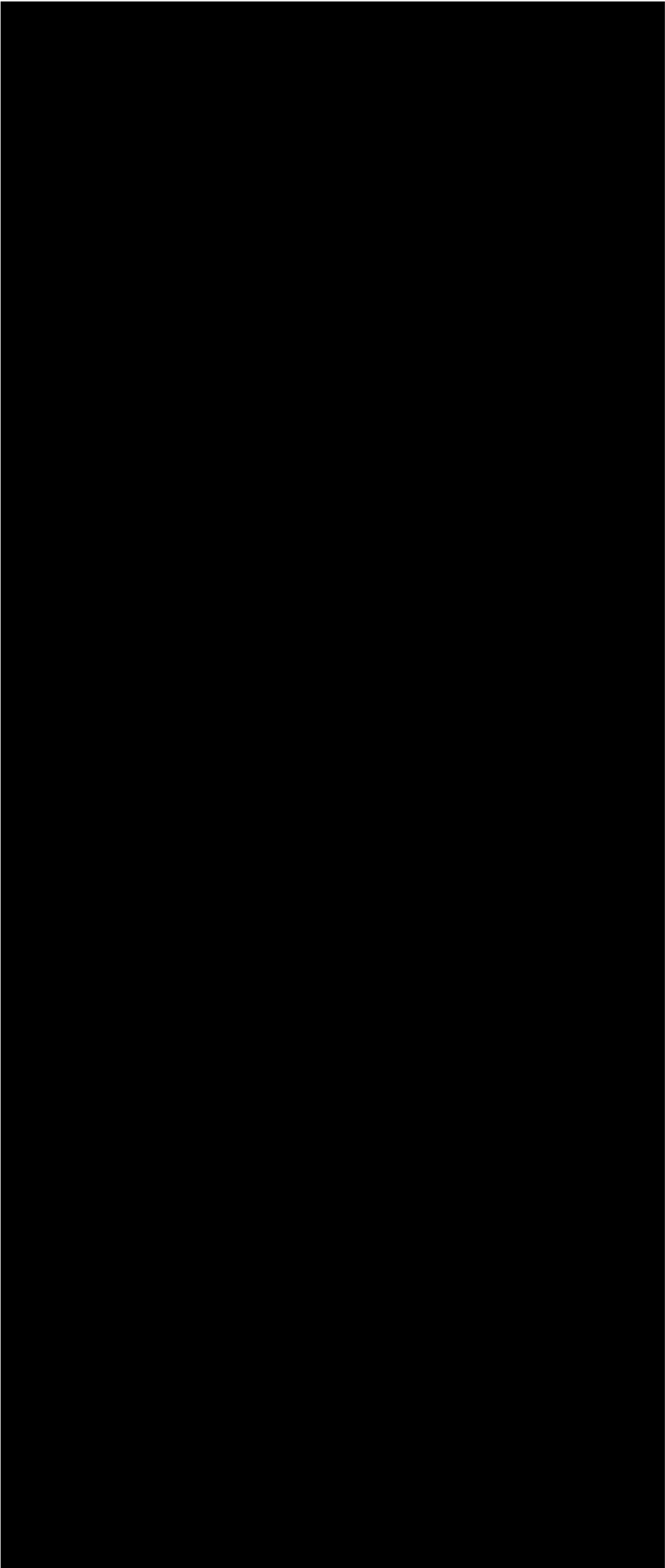
Attachment 2.2 – 2023 Sales Data

The attachment is provided on the following pages.

ATTACHMENT 2.2

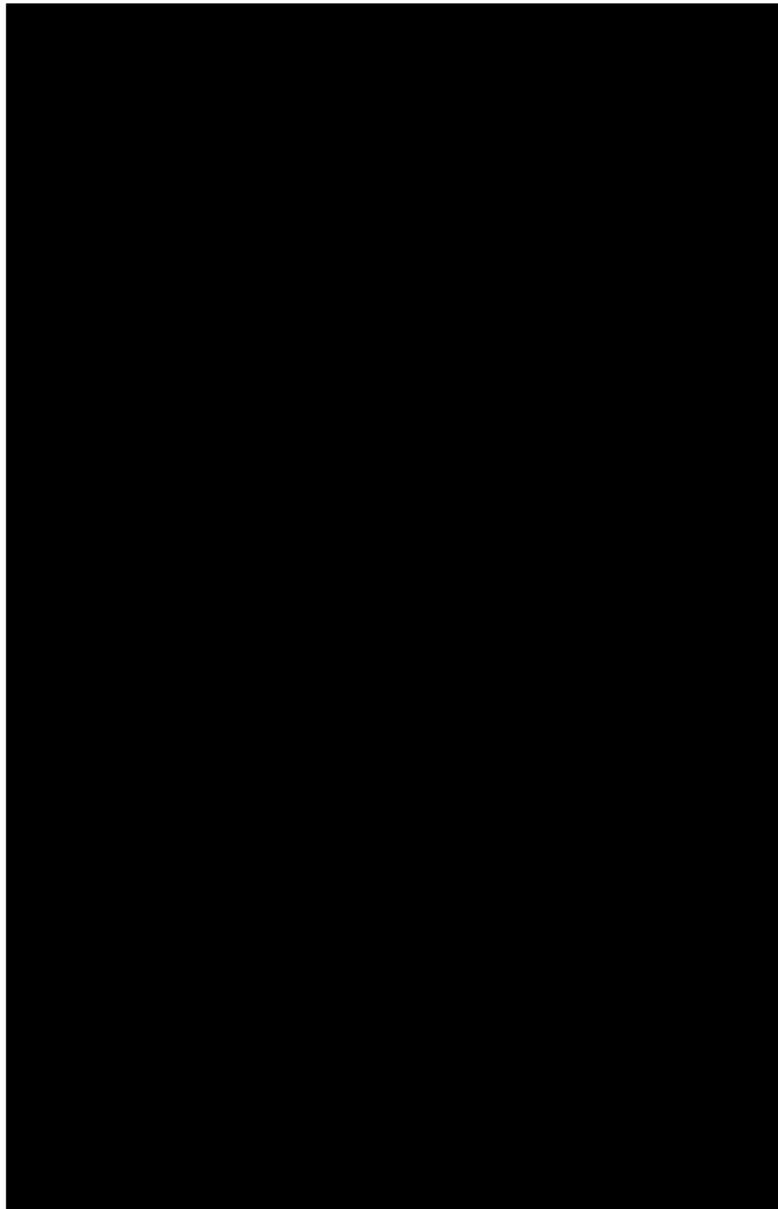
Brands	Cases Shipped	Cartons Shipped	Packs Shipped	Sticks Shipped
24/7 BOX 100 GOLD				
24/7 BOX 100 MENTHOL				
24/7 BOX 100 MENTHOL GOLD				
24/7 BOX 100 RED				
24/7 BOX 100 SILVER				
24/7 BOX KING GOLD				
24/7 BOX KING MENTHOL				
24/7 BOX KING RED				
BERKLEY BOX 100 GOLD				
BERKLEY BOX 100 MENTHOL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

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



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

Grand Total



Attachment 3. Schedule for Quarterly Rotation of Warnings in Advertisements and Health Warning Rotation Plan for “24/7 Box 100 Red” and “24/7 Box King Red”

The schedule for quarterly rotation is as follows:

Brand Family:	First Quarter: Jan. to March	Second Quarter: April to June	Third Quarter: July to Sept.	Fourth Quarter: Oct. to Dec.
24/7	A	B	C	D
Berkley	B	C	D	A
Berley	C	D	A	B
Echo	D	A	B	C
Edgefield	A	B	C	D
Exeter	B	C	D	A
Golden Blend	C	D	A	B
Gsmoke	D	A	B	C
Mainstreet	A	B	C	D
Sport	B	C	D	A
Multi-Brand	C	D	A	B
Royal	D	A	B	C

The warnings are as follows:

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



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

Division of
Advertising Practices

March 16, 2023

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

Dear Mr. Estes:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Xcaliber International, Ltd., LLC (“Xcaliber”) on March 16, 2023, calling for (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 24/7, Berkley, Berley, Echo, Edgefield, Exeter, Golden Blend, Gsmoke, Mainstreet, Royal, and Sport brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Red Kings Box and Red 100’s Box varieties of the 24/7 brand.

Xcaliber’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Red Kings Box and Red 100’s Box varieties of the 24/7 brand, and the warnings on the sample packs and cartons submitted with your letters dated June 6, 2019 (for the Royal brand), March 12, 2021 (for the Echo, Edgefield, and Exeter brands), and February 22, 2022 (for the 24/7, Berkley, Berley, Golden Blend, Gsmoke, Mainstreet, and Sport brands) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ Xcaliber stated in its March 16, 2023 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

Mr. Eric B. Estes

March 16, 2023

Page 2

Accordingly, Xcaliber's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **March 15, 2024, or until new health warnings required under the TCA take effect, whichever comes first:**²

- Six Box varieties of the 24/7 brand: Gold 100's, Silver 100's, Menthol 100's, Menthol Gold 100's, Gold Kings, and Menthol Kings;
- Seventeen varieties of the Berkley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Silver King Soft Pack, Silver 100's (Box and Soft Pack), Menthol King Soft Pack, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Nineteen varieties of the Berley brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold King Box, Menthol Gold 100's (Box and Soft Pack), Blue King (Box and Soft Pack), Blue 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Twenty varieties of the Echo brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue Kings Soft Pack, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;
- Eleven Box varieties of the Edgefield brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Silver Kings, Silver 100's, Menthol Kings (dark green packaging), Menthol 100's (dark green packaging), Menthol Gold Kings (light green packaging), Menthol Gold 100's (light green packaging), and Non-Filter Kings;
- Nineteen varieties of the Exeter brand: Red Kings Box, Red Kings Soft Pack, Red 100's Box, Red 100's Soft Pack, Gold Kings Box, Gold Kings Soft Pack, Gold 100's Box, Gold 100's Soft Pack, Blue Kings Box, Blue 100's Box, Blue 100's Soft Pack, Menthol Kings Box (dark green packaging), Menthol 100's Box (dark green packaging), Menthol 100's

² As set forth in its March 16, 2023 letter, Xcaliber is using colors in the names of certain varieties of the Echo, Edgefield, and Exeter brands (*e.g.*, "Echo Red 100's Box"). We note that the color names are not printed on the packaging for these brands (*e.g.*, the word "Red" does not appear on the packaging of the "Echo Red 100's Box" variety). However, the color used for a variety's packaging does conform to the color used in its name, except that the packaging for the "Menthol Gold" varieties is light green in color.

Mr. Eric B. Estes

March 16, 2023

Page 3

Soft Pack (dark green packaging), Menthol Gold Kings Box (light green packaging), Menthol Gold 100's Box (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Box, and Non-Filter Kings Soft Pack;

- Fourteen varieties of the Golden Blend brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Silver 100's (Box and Soft Pack), Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack), and Non-Filter King Soft Pack;
- Six varieties of the Gsmoke brand: Red King Box, Red 100's Box, Gold King Box, Gold 100's Box, Blue 100's Soft Pack, and Menthol 100's Soft Pack;
- Fourteen varieties of the Mainstreet brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King Box, Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King Box, Menthol 100's (Box and Soft Pack), Menthol Gold 100's (Box and Soft Pack);
- Two varieties of the Royal brand: Red 100's Box and Menthol 100's Box; and
- Sixteen varieties of the Sport brand: Red King (Box and Soft Pack), Red 100's (Box and Soft Pack), Gold King (Box and Soft Pack), Gold 100's (Box and Soft Pack), Blue 100's (Box and Soft Pack), Menthol King (Box and Soft Pack), Menthol 100's (Box and Soft Pack), and Menthol Gold 100's (Box and Soft Pack).

In addition, Xcaliber's plan for quarterly rotation of the four health warnings on packaging for the Red Kings Box and Red 100's Box varieties of the 24/7 brand, beginning on July 1, 2023, is also approved. Xcaliber will continue to equalize the warnings on those varieties until such time.

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

Please note that this letter only approves Xcaliber's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA") and, if not already expired, expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for Xcaliber's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Xcaliber's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the

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

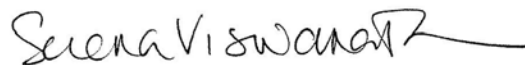
Mr. Eric B. Estes
March 16, 2023
Page 4

“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



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

WWW.RALAW.COM

March 21, 2023

*CONFIDENTIAL CONTAINS TRADE SECRETS
AND PROPRIETARY BUSINESS INFORMATION*

VIA FEDERAL EXPRESS

Serena Viswanathan
Attn: Bonnie McGregor
Division of Advertising Practices
Federal Trade Commission
Org. Code 1145, Mail Stop CC-6316
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

**Re: Wind River Tobacco Company, LLC
Notification of Proposed Package Change**

Dear Ms. Viswanathan:

This letter is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRT") to notify the FTC of an intended package change to the Teton brand packaging.

WRT's Teton brand cigarettes are subject to a cigarette health warning display plan approved by the FTC on September 26, 2022 (the "Plan"). The Plan includes approval of the following seven (7) Teton brand styles: 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. WRT intends to change the packaging of all the Teton brand styles (except the No. 6 Black Menthol 100's). Following FTC approval of this revision to WRT's Plan, the warning labels will appear on the packs and cartons of the Teton No. 18 Blue Kings, No. 18 Yellow Kings, No. 18 Green Menthol Kings, No. 6 Red 100's, No. 6 Gold 100's and No. 6 Green Menthol 100's, exactly as they appear on the packaging submitted with WRT's letter dated February 16, 2023.

WRT expects to continue using the existing inventory of packaging for the seven (7) Teton brand styles in the current Plan through the expiration of that Plan on September 25, 2023 (the "Run-Out Date"). Therefore, it is possible that WRT would have products in the market using both versions of the six (6) Teton brand styles for which WRT has submitted revised

packaging until the Run-Out Date. WRT will cease manufacturing and selling the Teton No. 6 Black Menthol 100's brand style after the Run-Out Date. WRT will continue to comply with all other aspects of the Plan, ensuring the simultaneous display of the four health warnings on packaging for all Teton brand style varieties referenced in the Plan.

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

Sincerely,

ROETZEL & ANDRESS, LPA

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

Craig A. Koenigs

Enclosures

Selected packaging samples from those
submitted with the plan.



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

Distributed by
Wind River Tobacco Co., LLC
Wilson, NC 27893
Made in Mexico

FSC

8 53272-00811 9

NO.
TETON 18
BLUE KINGS

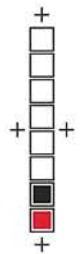
Made in Mexico
Sale only allowed in the United States
Please Do Not Litter
Visit us at: www.windrivertobacco.com

NO.
18
KINGS

WN-C

CP000060 02560209-001

M-1 2 3 4 5 6 7 8 9 10 11 12
Y-22 23 24 25



TETON

Tobacco Blended in the Heart of
North Carolina U.S.A.

NO.
TETON 18
KINGS

Underage
Sale
Prohibited



20
CIGARETTES



FSC

TETON^{NO.} 6

GOLD 100's

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



100's

9^{NO.}



100's

TETON^{NO.} 6

Underage Sale Prohibited
Sale only allowed in the United States
200 Class A Cigarettes
Please Do Not Litter

Distributed by Wind River Tobacco Co., LLC
Wilson, NC 27893
Visit us at: www.windrivertobacco.com
Made in Mexico

March 24, 2023

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, Wind River Tobacco Company, LLC’s (“WRT”) September 8, 2022 plan 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 was approved on September 26, 2022.

By letter dated March 21, 2023, you now propose to modify the packaging for the following six 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, and No. 6 Green Menthol 100’s.

The health warnings on the sample packs and cartons submitted with your letter of February 16, 2023 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

I wish to remind you that the Commission’s September 26, 2022 approval of WRT’s plan for simultaneous display of the warnings on packaging for certain varieties of the Teton brand of cigarettes runs through **September 25, 2023, or until the new health warnings required under the TCA take effect, whichever comes first.**

Please note that this letter only approves WRT’s submitted packaging modifications 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 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

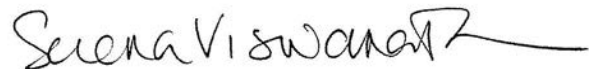
¹ WRT stated in its March 21, 2023 letter that it intends to run out its existing inventory of approved packaging for the aforementioned varieties.

have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



March 24, 2023

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

Re: Rotation Plan: Cheyenne, Decade and aura brands

Dear Ms. Viswanathan,

Cheyenne International, LLC (the "Company") is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We currently manufacture three brands of cigarettes: Cheyenne, Decade and aura. With this letter we seek to renew the annual rotation plan for these brands. Our plan for the Cheyenne, Decade and aura brand styles was last approved on March 29, 2022. Following that, the FTC approved revisions to our plan for the use of new packaging for the 10 decade brand styles that we currently sell and new packaging and names for our aura brand styles.

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

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

In our submission of March 8, 2022 for the Cheyenne brand were samples of actual cartons and packs displaying the four different required warnings. The

701 S. Battleground Avenue
Grover, North Carolina 28073

warnings on packs and cartons for the Cheyenne brand styles will appear exactly as shown on those samples.

We have 10 styles of Decade, all in hard box:

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

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

In our submission of February 10, 2023, were updated samples of actual cartons and packs of the above styles displaying the four different required warnings. The warnings on our updated packaging for the Decade brand styles above will appear exactly as shown on these samples. We will begin using the updated version of the cartons and packs in April of this year. Both the old and new versions of packaging will be in the marketplace simultaneously until the old versions of packs and cartons have been sold to consumers. We anticipate the older packaging styles to be in the marketplace for the remainder of this calendar year.

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

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

We have ceased production, marketing and sale of the 5 'Platinum' styles listed above. These 5 styles are no longer available in the marketplace. These 5 styles are no longer part of our annual rotation plan.

We have the following styles of aura, all in hard box:

aura robust red King Box (original brand style)
aura radiant gold King Box (original brand style)
aura sky blue King Box (original brand style)
aura menthol glen King Box (original brand style)
aura red King Box (modification, will replace aura robust red King Box)
aura gold King Box (modification, will replace aura radiant gold King Box)
aura blue King Box (modification, will replace aura sky blue King Box)
aura menthol King Box (modification, will replace aura menthol glen King Box)

In our submission of March 8, 2022 for the aura brand were samples of actual cartons and packs of the 4 original brand styles listed above displaying the four different required warnings. The warnings on the original brand styles listed above will appear exactly as shown on those samples. Included with our submission on November 11, 2022, were actual cartons and packs of the modified packaging for the 4 renamed brand styles of the aura brand listed above. The warnings on the modified packaging will appear exactly as shown on those samples.

Also included with the submission of November 11, 2022 were 'promotional' versions of the modified aura pack and carton blanks. On the carton blanks the phrase "SPECIAL PROMOTIONAL PACK OFFER ENCLOSED" is printed. On the pack blanks the phrase "SAVE NOW" is printed along with a QR code, and the phrase "While supplies last". The warnings on the promotional versions of the modified packaging will appear exactly as shown on those samples.

We anticipate that both the old version and new version of aura packaging will be in the marketplace simultaneously in 2023, until all of the old version packs and cartons have been either sold to consumers or returned to the factory from retailers and wholesalers.

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

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

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the

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

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

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

Sincerely,

Digitally signed by David A. Scott
DN: cn=David A. Scott, o=Cheyenne International LLC, ou,
email=davidscott@cheyenneintl.com, c=US
Date: 2023.03.24 16:34:16 -04'00'

David A. Scott
Chief Financial Officer

701 S. Battleground Avenue
Grover, North Carolina 28073

EXHIBIT 1

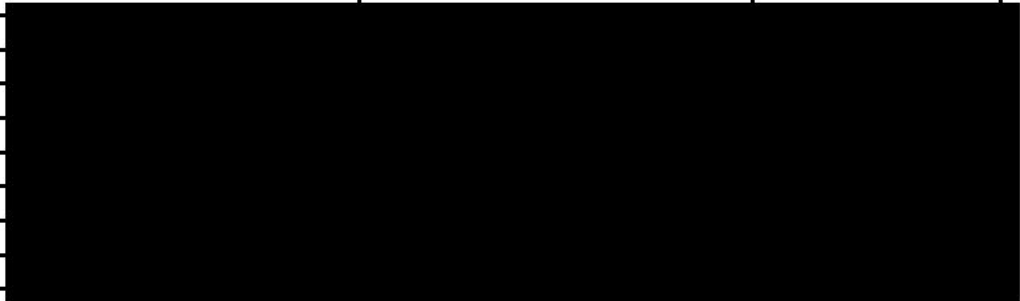
CHEYENNE INTERNATIONAL, LLC
 (all styles are hard pack, called "box")

Actual	Anticipated
Previous	Current
Fiscal	Rotation
Year (2022)	Plan Year

Brand	Cheyenne
Highest Selling Style	

Brand	Decade
Highest Selling Style	

Brand	aura
Highest Selling Style	



Total all brands, all styles



Approximately [redacted] % of all cigarettes sold in the US in 2022

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



Division of
Advertising Practices

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

March 28, 2023

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

Dear Mr. Scott:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Cheyenne International, LLC (“Cheyenne”) on March 24, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Cheyenne, Decade, and ‘aura’ brands of cigarettes.

Cheyenne’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 8, 2022 (for the Cheyenne brand), November 11, 2022 (for the aura brand, including the “promotional” versions of the aura brand), and February 10, 2023 (for the Decade brand), appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Cheyenne’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Eleven Box varieties of the Cheyenne brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), Menthol Silver (Kings and 100's), and Non-Filter Kings;
- Four Box varieties of the aura brand: red Kings, gold Kings, blue Kings, and menthol Kings; and

¹ Cheyenne stated in its March 24, 2023 plan that it intends to run out its existing inventory of previously approved packaging for the aura and Decade brands. We note that the previously approved packaging for the aura brand included varieties named aura robust red Kings, aura radiant gold Kings, aura sky blue Kings, and aura menthol glen Kings.

Mr. David A. Scott

March 28, 2023

Page 2

- Ten Box varieties of the Decade brand: Red (Kings and 100's), Gold (Kings & 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Silver (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.

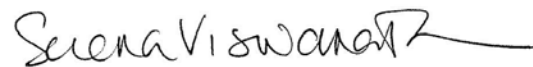
Please note that this letter only approves Cheyenne's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through March 27, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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

Troutman Sanders LLP
Troutman Sanders Building, 1001 Haxall Point
Richmond, VA 23219



troutman.com

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

March 14, 2023

VIA E-MAIL

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

**Cigarette Health Warning Plan
Firebird Manufacturing, LLC and Palmetto brand**

Dear Ms. Viswanathan:

On behalf of Firebird Manufacturing, LLC ("Firebird"), we hereby submit a request to approve Firebird's Surgeon General's Equalization Plan for Firebird as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), *et seq.*), as amended ("FCLAA"), for all styles of PALMETTO box (hard pack) varieties listed below. Firebird previously submitted its Plan renewal on February 14, 2022. Your office approved this plan on February 16, 2022.

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

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

Firebird requests a plan for the following eight varieties of the Palmetto brand:

Red Kings Box; Gold Kings Box; Menthol Green Kings Box; Red 100's Box; Blue 100's Box; Gold 100's Box; Menthol Green 100's Box; and Menthol Gold 100's Box.

In Firebird's fiscal year 2022, which is the same as the calendar year, for the Palmetto brands, the number of sticks sold of any one of these brands' styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2022, and sales of none of Firebird's

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

Ms. Serena Viswanathan
March 14, 2023
Page 2



Palmetto brand style exceeded [REDACTED] sticks. In fiscal year 2023, Firebird does not anticipate sales of any single brand style of the Palmetto brand to exceed [REDACTED] sticks. These sales figures should qualify the company for the Section 1333(c)(2) exemption.

Packs and cartons of each brand style displaying each of the 4 health warnings were submitted on March 7, 2023. The warnings will appear exactly as shown on these samples. Firebird will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

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

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

On behalf of Firebird, we submit that this Plan complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my phone number listed above.

Sincerely,

/s/ Paige S. Fitzgerald

Paige S. Fitzgerald

A handwritten signature in black ink, appearing to read "R. Dale Powell".

R. Dale Powell
Chief Operating Officer
Firebird Manufacturing, LLC

Selected packaging samples from those
submitted with the plan.



Palmetto[®]

B l u e

100's Box

MADE IN USA

Palmetto[®]

B l u e

100's Box

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

UNDERAGE
SALE
PROHIBITED



MADE IN USA

Palmetto[®]

B l u e

100's Box

metto[®]
B l u e
MADE IN USA



4/2/13

W2



Division of
Advertising Practices

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

March 28, 2023

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

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Firebird Manufacturing, LLC (“Firebird”) on March 14, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Palmetto brand of cigarettes.

Firebird’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter of March 7, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Firebird’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight varieties of the Palmetto brand: Red Kings Box, Gold Kings Box, Menthol Green Kings Box, Red 100’s Box, Blue 100’s Box, Gold 100’s Box, Menthol Green 100’s Box, and Menthol Gold 100’s Box.

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

¹ Firebird stated in its letter of March 14, 2023 that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

Paige S. Fitzgerald, Esq.

March 28, 2023

Page 2

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

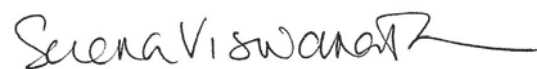
Please note that this letter only approves Firebird's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

This approval is effective on the date of this letter and runs through March 27, 2024 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

KBIC TOBACCO COMPANY, LLC

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

PH: (906) 353.6623

March 21, 2023

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

Re: Heron & Sands Cigarettes: Renewal

Dear Ms. Viswanathan:

Please consider this letter KBIC Tobacco Company LLC's request for annual compliance.

KBIC Tobacco Company LLC plan requests approval for the simultaneous display of the four Surgeon General's warnings on packaging for the following Heron and Sands cigarette brand styles.

KBIC Tobacco Company will manufacture or import the Heron cigarette brands in the following varieties:

Red 100's Box

Gold 100's Box

Silver 100's Box

Menthol 100's Box

Menthol Gold 100's Box

Red King Size Box

Gold King Size Box

Silver King Size Box

Menthol King Size Box

Menthol Gold King Size Box

Crimson 100's Box

Crimson King Size Box

No. 33 Black Red 100's Box

No. 33 Black Gold 100's Box

No. 33 Black Menthol 100's Box

No. 33 Black Red King Box

No. 33 Black Gold King Box

No. 33 Black Menthol King Box

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 21, 2023
PAGE 2

KBIC Tobacco Company will manufacture or import the Sands cigarette brands in the following varieties:

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

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

The warnings on the packs and cartons of Heron and Sands brand styles listed above will appear exactly as shown in the samples provided to your office with our letter on March 1, 2023, and on March 10, 2023. Samples submitted were actual packaging, and for those samples submitted on both dates, the warning will appear as they do on the packaging most recently submitted.

KBIC Tobacco Company LLC's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for the Heron and Sands brand styles that were imported and manufactured for our 2022 calendar year (January 1, 2022 – December 31, 2022) are set out in Exhibit A. All health warning rotational labels for the Heron and Sands brand styles have been equalized to date.

KBIC Tobacco Company LLC's estimated sales for the 2023 calendar year (January 1, 2023 – December 31, 2023) are set out in Exhibit B. KBIC Tobacco Company LLC will import the King styles of the Heron and Sands cigarettes and will manufacture the 100's styles. No other brands will be imported or manufactured.

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

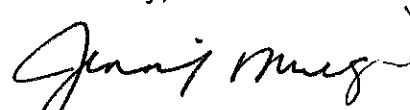
FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON CIGARETTES
March 21, 2023
PAGE 3

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

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

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

Sincerely,



Jennifer Misegan
Board Chair

Exhibit A

Calendar Year 01/01/2022 - 12/31/2022 - ACTUALS

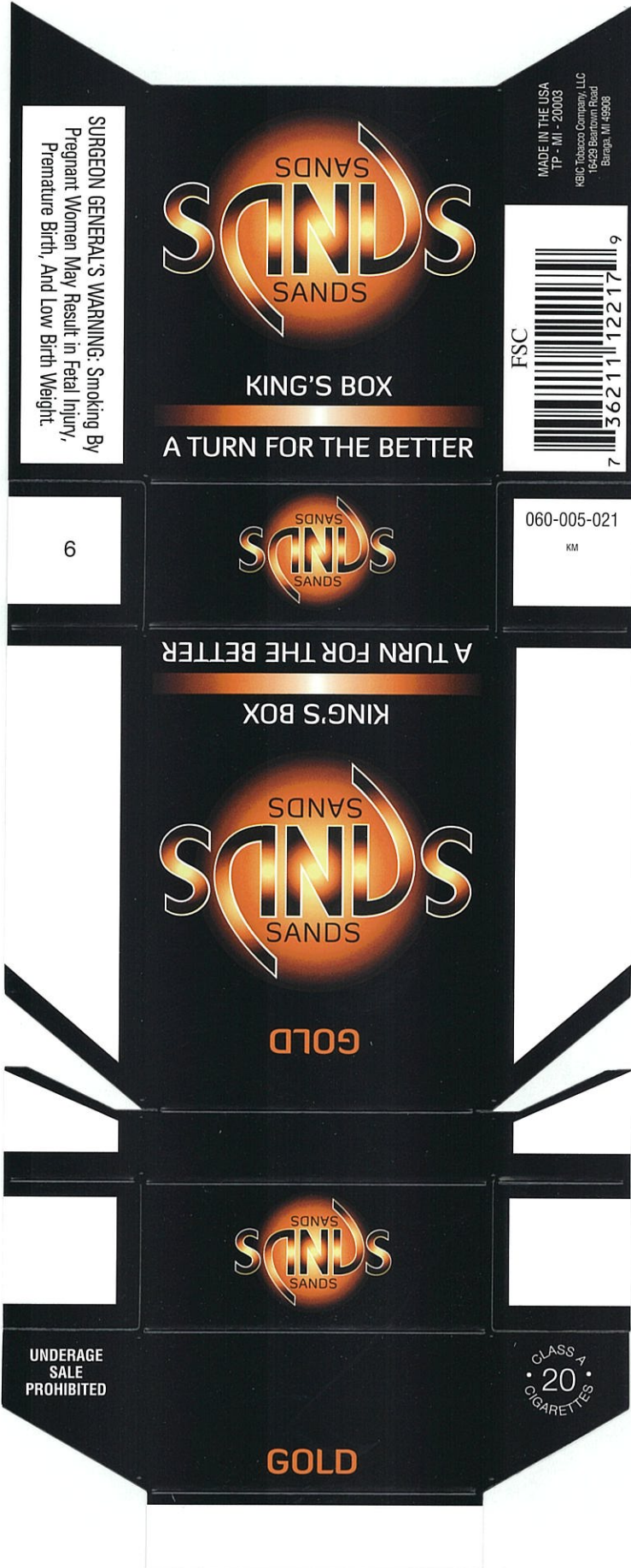
Description	Total Sticks Sold
Heron Black No. 33 Red King Box-Case	[REDACTED]
Heron Black No. 33 Gold King Box-Case	[REDACTED]
Heron Black No. 33 Menthol King Box-Case	[REDACTED]
Heron Black No. 33 Red 100 Box-Case	[REDACTED]
Heron Black No. 33 Gold 100 Box-Case	[REDACTED]
Heron Black No. 33 Menthol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

Exhibit B

Fiscal Year 01/01/23 - 12/31/23 - ESTIMATED SALES

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

Selected packaging samples from those
submitted with the plan.





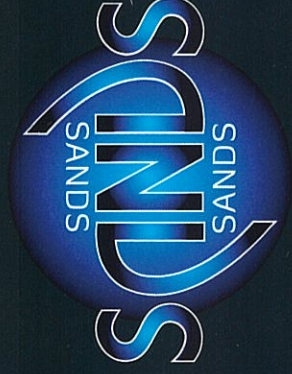
060-001-064 Rev 0
KM

A TURN FOR THE BETTER

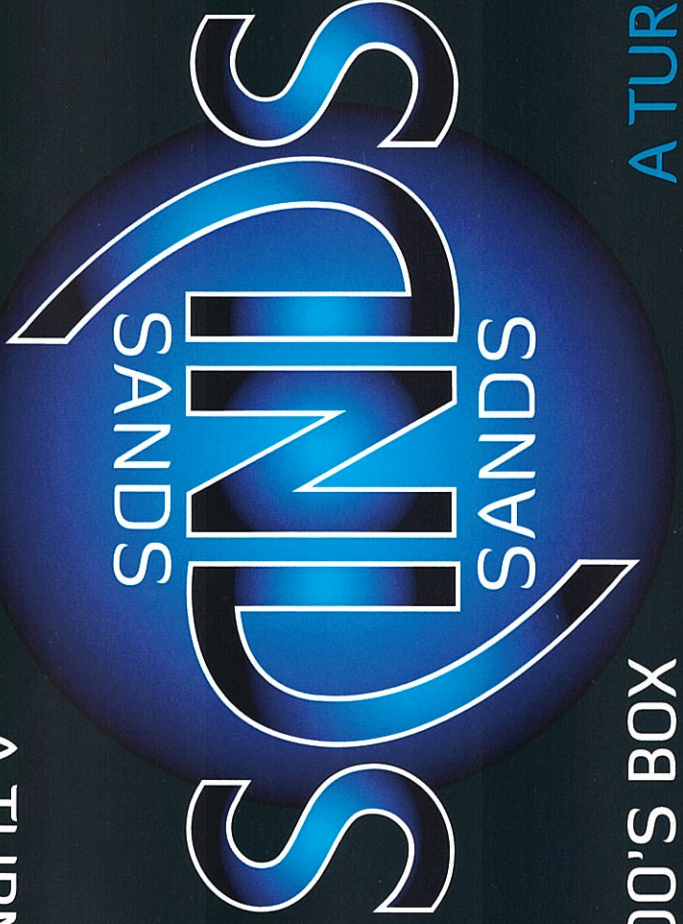
MADE IN THE USA
TP - MI - 20003

UNDERAGE
SALE
PROHIBITED

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



MENTHOL BLUE 100'S BOX



A TURN FOR THE BETTER

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

CLASS A
200 CIGARETTES

MENTHOL BLUE 100'S BOX







HERON

MENTHOL

KINGS BOX
SINCE 1794
PREMIUM NATIVE BLEND

060-006-004 Rev 0
KM

KINGS BOX

MENTHOL

HERON

SINCE 1794
PREMIUM NATIVE BLEND



SINCE 1794
PREMIUM NATIVE BLEND

HERON



KINGS BOX
MENTHOL

MADE IN THE USA
TP - MI - 20003

UNDERAGE
SALE
PROHIBITED

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



2

MENTHOL

HERON



Division of
Advertising Practices

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

March 28, 2023

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

Dear Ms. Misegan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by KBIC Tobacco Company, LLC (“KBIC”) on March 21, 2023, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron and Sands brands of cigarettes.

KBIC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated March 1 and March 10, 2023 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

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

¹ Although one of the warnings originally submitted did not meet the size requirements of the Cigarette Act, a revised sample was submitted. This approval only pertains to packaging that meets the requirements of the Cigarette Act.

Ms. Jennifer Misegan

March 28, 2023

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

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

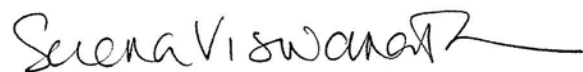
Please note that this letter only approves KBIC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any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

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

This approval is effective on the date of this letter and runs through March 27, 2024 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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



Victoria Spier Evans
Vice President & General Counsel

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

March 24, 2023

By FTC Secure Mail

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

Re: Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved March 31, 2022

Dear Ms. Viswanathan:

Liggett Group LLC (“Liggett”) hereby applies for approval of its Label Statement Rotation Plan (“Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“Act”) for quarterly rotation of MONTEGO Red Kings Box, Red 100s Box, and Blue 100s Box and for equalization of all brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO (except Red Kings Box, Red 100s Box, and Blue 100s Box), PYRAMID, and TOURNEY, that are included in the attached and that were included in our Plan approved by the FTC by letter dated March 31, 2022 and will expire on March 30, 2023.

PYRAMID Blue 100s Box which is currently subject to quarterly warning rotation is now again eligible for simultaneous display of the four warnings required by the Act because – as set forth in greater detail in my enclosed affidavit – the gross unit volume of that style in 2022 was less than one-fourth of one percent of all cigarettes sold in the United States in calendar year 2022, and Liggett otherwise meets the Act’s requirements for simultaneous warning rotation. Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission (“FTC”) on September 19, 1985. This application is for a one-year period beginning on the date of approval of this application. Liggett requests renewal of the Plan with respect to all brand styles

Application to Renew Liggett Group Rotation Plan
March 24, 2023
Page 2

listed on Exhibit B except for the three Montego styles Red Kings Box, Red 100s Box, and Blue 100s Box further explained below.

Three Liggett brand styles no longer qualify for simultaneous warning rotation because their unit sales volume in Liggett's most recent fiscal year (calendar year 2022) exceed one-quarter of one percent of the total United States cigarette market. These brand styles are MONTEGO Red Kings Box, MONTEGO Red 100s Box and MONTEGO Blue 100s Box. Liggett is applying for quarterly rotation of the warnings on these three brand styles, in accordance with Section 1333(c)(1) of the Act and Section 2(d) and other applicable provisions of the Plan.

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

Enclosed with my letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2022). This information shows that, with the exceptions of MONTEGO Red Kings Box, MONTEGO Red 100s Box and MONTEGO Blue 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2022 and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all brand styles identified above except for the three MONTEGO brand styles named in this paragraph, qualify for simultaneous rotation of the four warnings required by the Act.

The four warnings required by the act will appear exactly as shown on the sample packaging submitted on September 19, 2017, and April 4, 2019 in connection with Liggett's Plan. Except for the three MONTEGO brand styles identified above, for which Liggett is requesting a transition to quarterly warning rotation, the four warnings required by the Act will be printed on the packs and cartons of all brand styles for which renewal is requested an equal number of times within the one-year period beginning on the date of approval of this application.

Application to Renew Liggett Group Rotation Plan
 March 24, 2023
 Page 3

With respect to the three brand styles that, following FTC approval, will be subject to quarterly warning rotation (MONTEGO Red Kings Box, MONTEGO Red 100s Box and MONTEGO Blue 100s Box), the four warnings required by the Act will be printed on the packs and cartons of these brand styles, based on the date of manufacture, in accordance with the quarterly rotation sequence set forth in the attached Schedule A¹ of the Plan, which is as follows:

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

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

In order for Liggett to manage the transition to quarterly rotation for the three brand styles that will now be subject to the requirement, Liggett respectfully request that the approval date of this application be as close as possible to the expiration date of Liggett’s current annual renewal Plan, which is March 30, 2023.

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

Very truly yours,

Victoria Spier Evans

¹ Schedule A is the complete schedule of warning rotation in advertising for all the brands that Liggett advertises. Liggett no longer uses the miscellaneous category as part of Liggett’s schedule of warning rotation in advertising.

SCHEDULE A

**to Liggett Group LLC
Cigarette Warning Label Statement Rotation Plan**

Schedule of Warning Rotation in Advertising By Brand and Quarter

Brand	1st Calendar Quarter	2nd Calendar Quarter	3rd Calendar Quarter	4th Calendar Quarter
Bronson	A	B	C	D
Class A	B	C	D	A
Eve	C	D	A	B
Grand Prix	D	A	B	C
Pyramid	A	B	C	D
Montego	B	C	D	A
Liggett Select	C	D	A	B
Tourney	D	A	B	C
Multi-Brand	A	B	C	D

English Language Warnings:

- 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.

Spanish Language Warnings:

- A ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Causa Cáncer del Pulmón, Enfermedades del Corazón, Enfisema, y Puede Complicar el Embarazo.
- B ADVERTENCIA DEL CIRUJANO GENERAL: Dejar de Fumar Ahora Reduce Enormemente Los Graves Riesgos Par Su Salud.
- C ADVERTENCIA DEL CIRUJANO GENERAL: Fumar Durante el Embrazo Puede Causar Daño Fetal, Parto Prematuro y Reducir el Peso del Recién Nacido.
- D ADVERTENCIA DEL CIRUJANO GENERAL: El Humo del Cigarrillo Contiene Monóxido de Carbono.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF VICTORIA SPIER EVANS

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

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

2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan (“Plan”) pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act (“Act”). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on March 31, 2022.

3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General’s Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett’s most recent fiscal year was calendar year 2022.

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

5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2022 for all brand styles manufactured by Liggett. Exhibit B shows that all brand styles manufactured by Liggett had sales in 2022 of fewer than [REDACTED] cigarettes, except for MONTEGO Red Kings Box, Red 100s, and Blue 100s Box, and more than half of the cigarettes sold by Liggett in 2022 were packaged into brand styles that had sales in 2022 of fewer than [REDACTED] cigarettes.

6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles, except for MONTEGO Red Kings Box, Red 100s Box, and Blue 100s Box, qualify for simultaneous warning rotation.

Victoria Spier Evans
Victoria Spier Evans

Sworn to and subscribed before me,
this 24th day of March, 2023.

Kimberly Howe
Kimberly Howe
Notary Public, State of North Carolina
My commission expires: January 5, 2028

Kimberly Howe
Notary Public
Alamance County, NC

EXHIBIT A

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

Results for December 2022

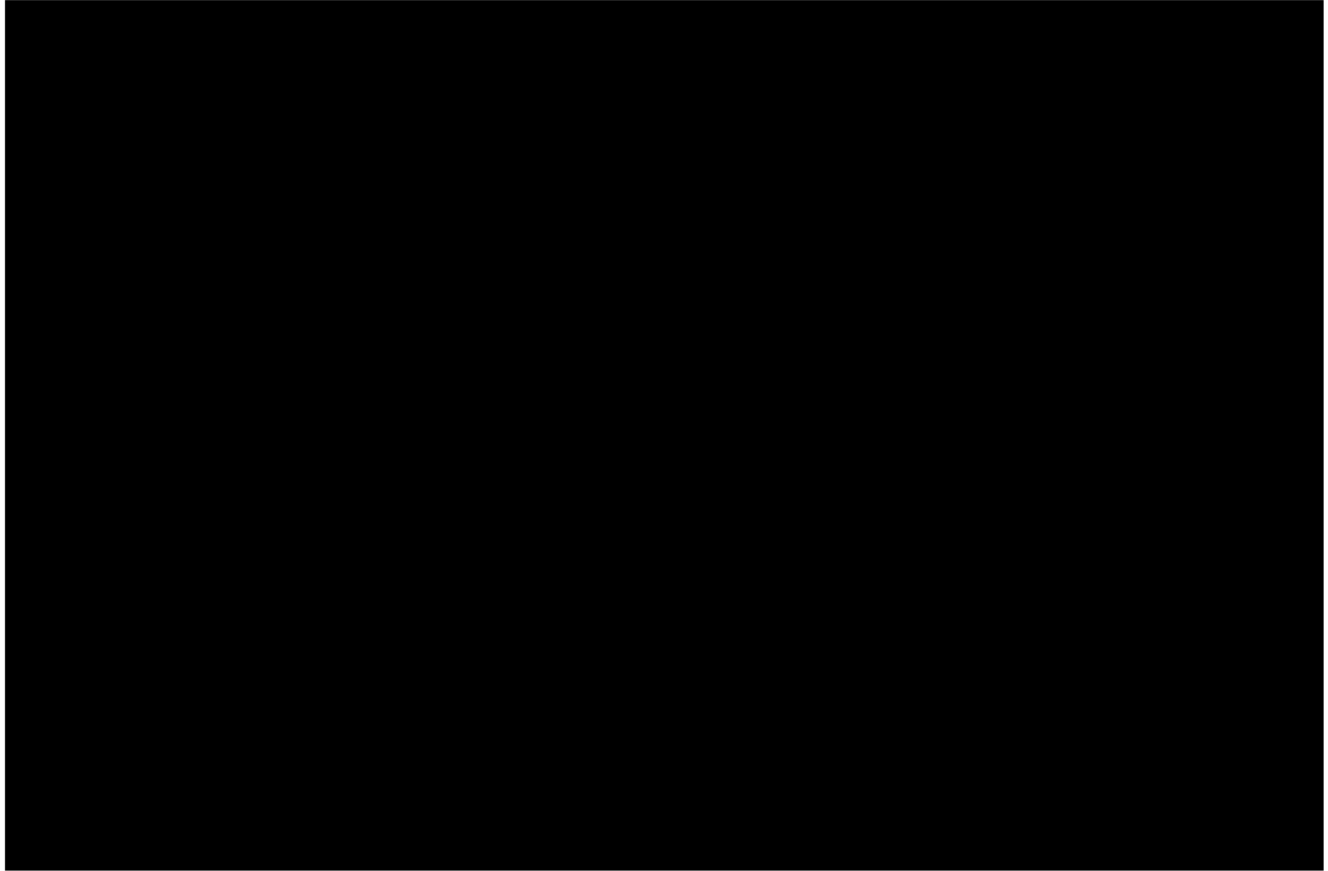


EXHIBIT B
Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
March 24, 2023

2022 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2022 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Box	
4	GRAND PRIX	Blue Kings Box	
5	GRAND PRIX	Blue 100s Box	
6	GRAND PRIX	Orange 100s Box	
7	GRAND PRIX	Menthol Gold Kings Box	
8	GRAND PRIX	Menthol Gold 100s Box	
9	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Box	
4	LIGGETT SELECT	Blue Kings Box	
5	LIGGETT SELECT	Blue 100s Box	
6	LIGGETT SELECT	Orange Kings Box	
7	LIGGETT SELECT	Orange 100s Box	
8	LIGGETT SELECT	Menthol Gold Kings Box	

EXHIBIT B
Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
March 24, 2023

2022 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2022 Units Sold
9	LIGGETT SELECT	Menthol Gold 100's Box	
10	LIGGETT SELECT	Menthol Silver Kings Box	
11	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Box	
4	TOURNEY	Gold Kings Box	
5	TOURNEY	Gold 100's Box	
6	TOURNEY	Menthol Full Flavor Kings Box	
7	TOURNEY	Menthol Full Flavor 100's Box	
8	TOURNEY	Menthol Gold Kings Box	
9	TOURNEY	Menthol Gold 100's Box	
10	TOURNEY	Slims Blue 120's Box	
11	TOURNEY	Slims Rose 120's Box	
12	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		

March 30, 2023

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

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC (“Liggett”) on March 24, 2023 calling for (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Red Kings Box, Red 100’s box, and Blue 100’s box varieties of the Montego brand.

Liggett’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Red Kings Box, Red 100’s box, and Blue 100’s box varieties of the Montego brand, and the warnings on the sample packs and cartons submitted with your September 19, 2017 and April 4, 2019 letters continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Liggett’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved on the date of this letter through **March 29, 2024, or until new health warnings required under the Family Smoking Prevention and Tobacco Control Act (“TCA”) take effect, whichever comes first:**

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

¹ Liggett stated in its March 24, 2023 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

Liggett's plan for quarterly rotation of the four health warnings on packaging for the Red Kings Box, Red 100's box, and Blue 100's box varieties of the Montego brand is also approved.

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

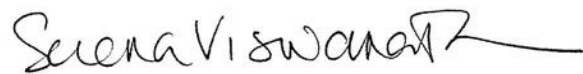
Please note that this letter only approves Liggett's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the TCA and, if not already expired, expires at such time new health warnings required under the TCA take effect.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

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.

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director