



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 31, 2020

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. June 21, 2018 letter from Kil Hong Hyun, KT&G USA Corporation to Mary K. Engle.
2. July 11, 2018 letter from Mary K. Engle to Kil Hong Hyun, KT&G USA Corporation.
3. July 16, 2018 letter from John DiCarlo, Joseph M. Anderson d/b/a Smokin Joes to Mary K. Engle.
4. July 16, 2018 letter from Mary K. Engle to John DiCarlo, Smokin Joes.
5. July 17, 2018 letter from Gordon Boyd, King Mountain Tobacco Company, Inc. to Mary K. Engle.
6. July 18, 2018 letter from Mary K. Engle to Gordon Boyd, King Mountain Tobacco Company, Inc.
7. July 16, 2018 letter from Swetha Duggirala, Global Tobacco LLC to Mary K. Engle.
8. July 18, 2018 letter from Mary K. Engle to Swetha Duggirala, Global Tobacco LLC.
9. July 27, 2018 letter from Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC to the Division of Advertising Practices.

10. August 13, 2018 letter from Mary K. Engle to Craig A. Koenigs on behalf of Wind River Tobacco Company, LLC.
11. August 7, 2018 letter from Darren Rose, Azuma Corporation to Mary Engle.
12. September 5, 2018 letter from Mary K. Engle to Darren Rose, Azuma Corporation.
13. September 14, 2018 letter from Dominik Meier, Sherman's 1400 Broadway N.Y.C., LLC to Mary K. Engle.
14. September 14, 2018 letter from Mary K. Engle to Dominik Meier, Sherman's 1400 Broadway N.Y.C., LLC.

1601 E. Plano Parkway  
Suite 110  
Plano, TX 75074  
Tel: 214-299-4200  
Fax: 214-299-4207



June 21, 2018

From: KT& G USA Corporation  
1601 E Plano PKWY Suite 110  
Plano, TX 75074  
Tel: 214-299-4200  
Fax: 214-299-4207

To: Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices  
Attn: Ms. Bonnie McGregor  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Mail Drop CC-10528  
Washington, DC 20580  
Tel: 202-326-2407  
Fax: 202-326-2407

Dear Ms. Engle,

The following is a plan submitted for approval by your department for the quarterly rotation of the Surgeon General's Warning Labels for cigarette advertising as required by the Federal Cigarette Labeling and Advertising Act. KT&G USA Corporation (formerly known as Global Trading Inc.) previously had plans approved for the quarterly rotation of the Surgeon General's Warning Labels on packaging and advertising for the Carnival and Timeless Time brands of cigarettes, and packaging for the THIS brand cigarettes, pursuant to the following, as required by the Federal Cigarette Labeling and Advertising Act.

Global Trading, Inc. buy-out of K imports, Inc. on 12/16/2010.

Global Trading, Inc.'s name changed to KT&G USA Corporation on 09/07/2016.

KT&G USA Corporation continues to abide by Global Trading, Inc.'s plans approved on the following dates:

10/25/2013 (Carnival packaging), 02/28/2011 (Timeless Time packaging), 03/21/2011 (Carnival and Timeless Time Advertising).

On 11/2/2017, KT&G USA's plan for quarterly rotation of the health warnings on THIS packaging was approved.

We now seek approval for an advertising plan for the THIS brand and to expand the advertising plan for the Carnival and Timeless Time brands to include advertising up to 20 sq ft.

1601 E. Plano Parkway  
Suite 110  
Plano, TX 75074  
Tel: 214-299-4200  
Fax: 214-299-4207



For our advertising of the Carnival, Timeless Time, and THIS brand cigarettes, we will use the warning statement formats that were submitted with the 1985 plans of the five leading US cigarette manufactures and we will place the warnings as specified in those plans.

The Surgeon General's Warning Labeling in our advertising for the Carnival, Timeless Time, and THIS cigarettes will be rotated quarterly according to the schedule set out below:

	Carnival Brand	Timeless Time	THIS
1st Quarter (Jan-Mar.)	B	A	C
2nd Quarter (Apr-June)	D	B	A
3rd Quarter (July-Sept.)	C	D	B
4th Quarter (Oct.-Dec.)	A	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.**

The size of our advertisements shall not exceed 20 square feet for each of the Carnival, Timeless Time, and THIS brands. Copies of the health warning statement formats that we will be using were attached as Exhibits 1 through 7, to our letter of May 25, 2018, and Exhibit 8 attached herewith. In addition, for multi-brand advertisements or advertisements that will not feature any brand, we will follow the warning rotation labeling applicable to the Timeless Time brand. We will keep records demonstrating compliance with this plan. We will use posters and displays as



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point of sale and we will not advertise on the internet. If we decide to advertise on the internet, we will submit a plan to the FTC for approval prior to doing so.

For questions or comments regarding this plan, please contact our counsel, Leonard Violi, at (914) 698-2200.

Thank you for your consideration.

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Kil Hong Hyun  
President  
KT&G USA Corporation



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

Division of  
Advertising Practices

July 11, 2018

Mr. Kil Hong Hyun  
KT&G USA Corporation  
1601 E. Plano Parkway  
Suite 110  
Plano, TX 75074

Dear Mr. Hyun:

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, on March 21, 2011, I approved a plan filed by Global Trading, Inc. calling for quarterly rotation of the four health warnings in advertising up to 470 square inches in size for the Carnival and Timeless Time brands of cigarettes. In a letter dated June 21, 2018, you now propose to expand your plan<sup>1</sup> to include quarterly rotation of the four health warnings in advertising up to 20 square feet in size for the Carnival, Timeless Time, and “THIS” brands of cigarettes.

KT&G’s June 21, 2018 plan for rotation of the warnings in advertising up to 20 square feet in size for the Carnival, Timeless Time, and “THIS” brands is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Please note that this letter only approves KT&G’s cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) concerning the rotation and size of the warnings in KT&G’s advertising. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for KT&G’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of KT&G’s packaging and advertising under the FSPTCA or any

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<sup>1</sup> You stated that Global Trading, Inc. changed its name to KT&G USA Corporation (“KT&G”) on September 7, 2016.

<sup>2</sup> 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.

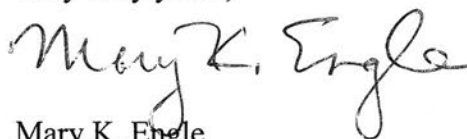
Mr. Kil Hong Hyun  
July 11, 2018  
Page 2

regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

Very truly yours,

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

Mary K. Engle  
Associate Director

July 16, 2018



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

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

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

<b>Exact Cigarette Brand</b>
Exact Canadian Red King Size Soft Pack
Exact Canadian Blue King Size Soft Pack
Exact Red 100 Size Soft Pack
Exact Red King Size Box
Exact Red King Size Soft Pack
Exact Gold 100 Size Soft Pack
Exact Gold 100 Size Box
Exact Gold King Size Box
Exact Gold King Size Soft Pack
Exact Menthol 100 Size Soft Pack
Exact Menthol 100 Size Box
Exact Menthol King Size Soft Pack
Exact Menthol Gold 100 Size Soft Pack
Exact Menthol Gold King Size Soft Pack
Exact Blue 100 Size Soft Pack
<b>Exact Elite Cigarette Brand</b>
Exact Elite Red 100 Size Soft Pack
Exact Elite Red King Size Box

800-274-8010

[www.smokinjoe.com](http://www.smokinjoe.com)



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

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



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

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

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

Smokin Joes believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331; sales figures for all Smokin Joes manufactured brands styles are provided on Exhibit A. Of all Smokin Joes manufactured cigarette brand styles for the fiscal year, from May 1, 2017 through April 30, 2018, the biggest seller was [REDACTED] totaling [REDACTED].

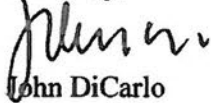
If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the

cigarette brand varieties listed above an equal number of times for the one year period beginning on the date this plan is approved. To ensure the cigarette health warnings appear on the cigarette brand styles an equal number of times throughout the plan year, raw material packaging inventory will be stored and loaded into packaging machines alternating the four health warnings.

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

Smokin Joes, the manufacturer, is aware of the requirements set forth in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the Act. Smokin Joes will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-754-4064 ext. 9327.

Sincerely,



John DiCarlo  
Director of Operations



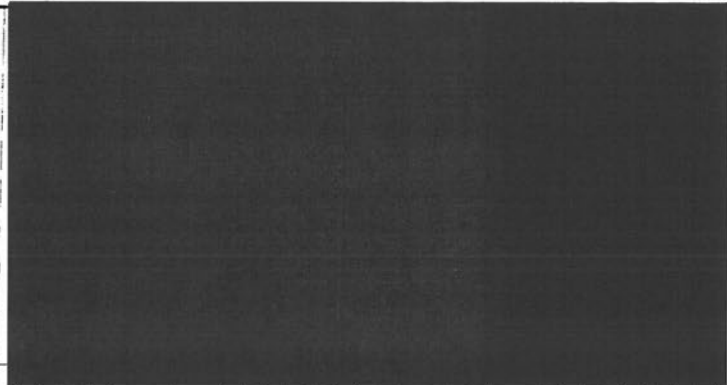
EXHIBIT A

SMOKIN JOES

STICK SALES: 5/1/17 - 4/30/18

BRAND

- EXACT
- EXACT CANADIAN RED KINGS
- EXACT RED KINGS
- EXACT GOLD KINGS
- EXACT MENTHOL KINGS
- EXACT CANADIAN BLUE KINGS
- EXACT MENTHOL GOLD KINGS
- EXACT RED KING BOX
- EXACT GOLD KING BOX
- EXACT RED 100
- EXACT GOLD 100
- EXACT MENTHOL 100
- EXACT MENTHOL GOLD 100
- EXACT BLUE 100
- EXACT GOLD 100 BOX
- EXACT MENTHOL 100 BOX
- EXACT ELITE
- EXACT ELITE RED KINGS
- EXACT ELITE GOLD KINGS
- EXACT ELITE MENTHOL KINGS
- EXACT ELITE MENTHOL GOLD KINGS
- EXACT ELITE RED KING BOX
- EXACT ELITE GOLD KING BOX
- EXACT ELITE NON-FILTER KING BOX
- EXACT ELITE RED 100
- EXACT ELITE GOLD 100
- EXACT ELITE MENTHOL 100
- EXACT ELITE MENTHOL GOLD 100
- EXACT ELITE BLUE 100



STICK SALES: 5/1/17 - 4/30/18

SMOKIN JOES

LEWISTON

LEWISTON RED KINGS

LEWISTON GOLD KINGS

LEWISTON MENTHOL KINGS

LEWISTON MENTHOL GOLD KINGS

LEWISTON NON-FILTER KINGS

LEWISTON RED KING BOX

LEWISTON GOLD KING BOX

LEWISTON RED 100

LEWISTON GOLD 100

LEWISTON MENTHOL 100

LEWISTON MENTHOL GOLD 100

LEWISTON BLUE 100

LEWISTON MENTHOL 100 BOX

LEWISTON MENTHOL GOLD 100 BOX

LEWISTON GOLD 100 BOX

LEWISTON MENTHOL KING BOX

LEWISTON BLUE 100 BOX

LEWISTON RED 100 BOX

MARKET

MARKET RED KINGS

MARKET GOLD KINGS

MARKET MENTHOL KINGS

MARKET MENTHOL GOLD KINGS

MARKET NON-FILTER KING BOX

MARKET RED KING BOX

MARKET GOLD KING BOX

MARKET RED 100

MARKET GOLD 100

MARKET MENTHOL 100

MARKET MENTHOL GOLD 100

MARKET BLUE 100

MARKET RED 100 BOX

MARKET GOLD 100 BOX

MARKET MENTHOL 100 BOX

MARKET MENTHOL GOLD 100 BOX

MARKET BLUE 100 BOX

MARKET MENTHOL BLUE 100 BOX

MARKET MENTHOL KING BOX

MARKET BLUE KING BOX

STICK SALES: 5/1/17 - 4/30/18

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

STICK SALES: 5/1/17 - 4/30/18

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

TOP SELLING SKU

SMOKIN JOES NATURAL PURPLE 100 BOX

MAPLE LEAF

NIGHTCLUB

NIGHTCLUB RICH KING BOX

NIGHTCLUB SMOOTH KING BOX

OUTDOOR FREEDOM

OUTDOOR FREEDOM ORIGINAL KING BOX

OUTDOOR FREEDOM SMOOTH KING BOX

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Selected packaging samples from those  
submitted with the plan.

**EXACT**



CANADIAN BLEND  
**BLUE**

20 CLASS A CIGARETTES

**EXACT**

MADE IN USA  
SMOKIN JOES,  
LEWISTON  
NEW YORK 14092  
1-800-274-8010

[www.sjbrands.com](http://www.sjbrands.com)



Sale Only Allowed in the United States.

**EXACT**



CANADIAN BLEND  
**BLUE**

20 CLASS A CIGARETTES

**EXACT**

UNDERAGE  
SALE  
PROHIBITED

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



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

**BLUE  
CANADIAN BLEND**

**EXACT<sup>®</sup>**

**BLUE  
CANADIAN BLEND**



**EXACT<sup>®</sup>**

**FILTER CIGARETTES**



7 99170120145 3  
FSC

is Only Allowed in the United States.

**EXACT  
ELITE**

**EXACT  
ELITE**

**EXACT  
ELITE**

UNDERAGE  
SALE  
PROHIBITED

MADE IN USA  
SMOKIN JOES,  
LEWISTON  
NEW YORK 14092  
1-800-274-2010  
www.sibrands.com



20 CLASS A CIGARETTES



Sale Only Allowed in the United States.



20 CLASS A CIGARETTES

**EXACT  
ELITE**

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



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

**GOLD**



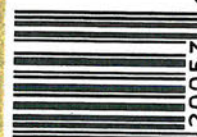
**GOLD**



**GOLD**



2005311 FSC  
in the United States.





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

**LEWISTON**



20 CLASS A CIGARETTES

**LEWISTON**  
SHOKIN JOES  
LEWISTON, NY 14092  
www.sjbrands.com  
FOR QUESTIONS OR COMMENTS CALL: 1-800-274-8010  
Sale Only Allowed in the United States.



20-02600N10  
QS

**LEWISTON**

*Red 100's Box*

040843

20 CLASS A CIGARETTES



**LEWISTON**

*Red 100's Box*

*Red 100's Box*

**LEWISTON**

*Red 100's Box*

UNDERAGE  
SALE  
PROHIBITED

10

MADE IN  
U.S.A.



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

**LEWISTON<sup>®</sup>**

*Red 100's Box*



**LEWISTON<sup>®</sup>**

*Red 100's Box*

*Filter Cigarette*



by Allowed in the United States.



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



20 Class A Cigarettes

**Maple Leaf**  
*Canadian Blend*  
SMOKIN' JOES.  
LEWISTON, NY 14092  
www.sjbrands.com  
FOR QUESTIONS OR COMMENTS CALL: 1-800-274-8010  
FSC  
7 99170 1014 1 8  
Sale Only Allowed in the United States.

027622



Blue Box  
**Maple Leaf**  
*Canadian Blend*

20 Class A Cigarettes

*Canadian Blend*  
**Maple Leaf**



Blue Box

Blue Box  
**Maple Leaf**  
*Canadian Blend*

Blue Box

MADE  
IN  
U.S.A.

20-02535N10  
LC

12

UNDERAGE  
SALE  
PROHIBITED





*Canadian Blend*

**Maple Leaf®**  
**Blue Box**

FOR QU  
COMM  
1-800  
WWW.S

SMOKIN JOES, LEWISTON, NEW YORK 14092  
200 CLASS A CIGARETTES  
MADE IN THE U.S.A.



**Maple Leaf®**  
**Blue Box**

*Canadian Blend*

Cigarettes

Made in U.S.A.

Maple Leaf®  
Blue Box



**Maple Leaf®**  
**Blue Box**

*Canadian Blend*



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



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

# Market.

RED BOX

## 100's

20 CLASS A CIGARETTES



7 99170 41048 0  
FSC  
FOR QUESTIONS OR COMMENTS CALL 1-800-274-8000

### Market.

SMOKIN JOES.  
LEWISTON, NY 14092  
www.sjbrands.com

Sale Only Allowed in the United States.

# Market

RED BOX 100's

20 CLASS A CIGARETTES

## 100's

RED BOX

# Market.

FILTER CIGARETTES

RED BOX 100's

# Market

FILTER CIGARETTES

027870



3

UNDERAGE  
SALE  
PROHIBITED

MADE IN  
U.S.A.

20-02152N10  
CM

FILTER CIGARETTES

# Market<sup>®</sup>

## RED BOX 100'S

MADE IN THE U.S.A.

# Market<sup>®</sup>

FILTER CIGARETTES

# Market<sup>®</sup>

## RED BOX 100'S

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



**OUTDOOR  
FREEDOM**

20 CLASS A CIGARETTES  
TP NY 168  
LEWISTON, NY  
14092 U.S.A.

FOR PRODUCT INFORMATION  
1-866-977-1677

7 99170 10153 1 FSC  
WWW.JATOBACCO.COM



Sale Only Allowed in the United States.



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

029188

12  
RFB

**OUTDOOR  
FREEDOM**  
SMOOTH BOX

20-02312N10  
BPW



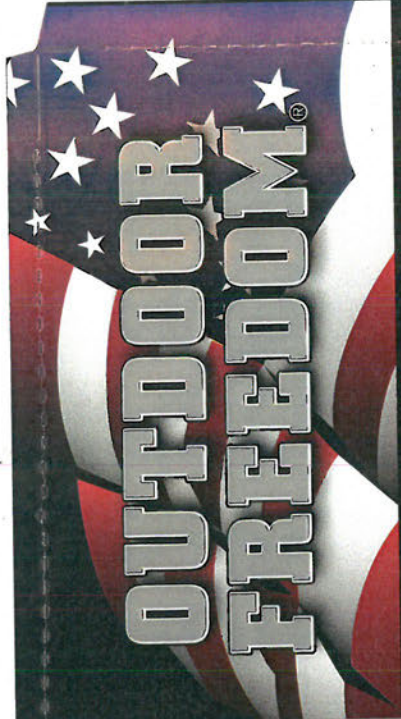
**SMOOTH BOX**

UNDERAGE  
SALE  
PROHIBITED

MADE  
IN  
U.S.A.

**OUTDOOR  
FREEDOM**





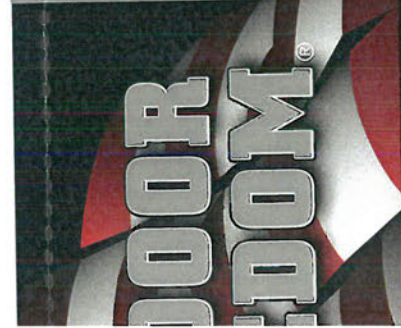
OUTDOOR PHOTOS CHANGE  
PRODUCT QUALITY STAYS THE SAME

VISIT [WWW.JATOBACCO.COM](http://WWW.JATOBACCO.COM) TO LEARN MORE  
OR CALL 1-866-977-1677

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



TASTE THE QUALITY  
SEE THE DIFFERENCE  
**OUTDOOR  
FREEDOM**



TOOTH  
N BLEND  
N U.S.A.

TH BOX

7 99170 11  
[WWW.JATOBACCO.COM](http://WWW.JATOBACCO.COM)  
Sole Only Allowed in the

20-05312N10 CM





**Smokin Joes.**  
BRAND

MADE IN USA

SMOKIN JOES

LEWISTON

NEW YORK 14092

1-800-274-8010

[www.sjbrands.com](http://www.sjbrands.com)



FSC  
Sale Only Allowed in the United States.

UNDERAGE  
SALE  
PROHIBITED



**Smokin Joes.**  
BRAND

**RED  
100'S**

20 CLASS A CIGARETTES



**Smokin Joes.**  
BRAND

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



**Smokin Joes.**  
BRAND

**RED  
100'S**

20 CLASS A CIGARETTES

20-05044N10 CM

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



SMOKIN JOES® LEWISTON, NEW YORK 14092  
200 CLASS A CIGARETTES  
MADE IN THE U.S.A.

**Smokin Joes®**  
**BRAND**  
**RED 100'S**



**Smokin Joes®**  
**BRAND**



**Smokin Joes®**  
**BRAND**  
**RED 100'S**



FOR  
CO  
11  
WA

2  
SC  
States.



Smokin Joes  
100% NATURAL TOBACCO

MADE IN USA  
SMOKIN JOES,  
LEWISTON,  
NEW YORK 12822  
1-800-274-5310  
[www.sjbrands.com](http://www.sjbrands.com)



Sale Only Allowed in the United States.

Smokin Joes



PURPLE  
100'S

20 CLASS A CIGARETTES

Smokin Joes  
100% NATURAL TOBACCO

UNDERAGE  
SALE  
PROHIBITED

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

Smokin Joes



PURPLE  
100'S

20 CLASS A CIGARETTES



# Smokin Joes®

## 100% NATURAL TOBACCO

### PURPLE 100'S



Allowed in the United States.

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



100% NATURAL TOBACCO  
FIRST NATIVE AMERICAN CIGARETTE FACTORY  
**PURPLE 100'S**

# Smokin Joes®

# Smokin Joes®

100% NATURAL TOBACCO



UNDERAGE  
SALE  
PROHIBITED

PREMIUM

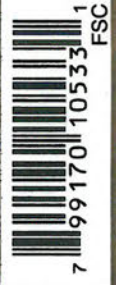
MADE IN USA  
SMOKIN JOES,  
LEWISTON  
NEW YORK 14092  
1-800-274-8010

www.sjbrands.com



Smokin  
Joes

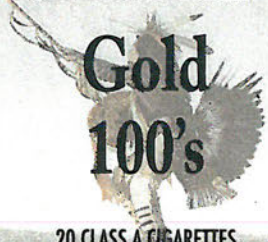
PROUDLY MADE BY THE TUSCARORA INDIAN NATION



Sale Only Allowed in the United States.

*Smokin Joes American Cigarettes*

PREMIUM



Gold  
100's

20 CLASS A CIGARETTES



Smokin  
Joes



Smokin  
Joes

PROUDLY MADE BY THE TUSCARORA INDIAN NATION



*Smokin Joes American Cigarettes*

PREMIUM



Gold  
100's

20 CLASS A CIGARETTES

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



FOR QUESTIONS OR  
COMMENTS CALL:  
1-800-274-8010  
www.sjbrands.com

Gold  
100's



Smokin Joes®

PROUDLY BORN BY THE  
TERRIBLE THUNDER STATION



LEWISTON, NEW YORK 14092  
CLASS A CIGARETTES  
MADE IN THE U.S.A.

Smokin Joes®

PROUDLY BORN BY THE  
TERRIBLE THUNDER STATION



PREMIUM

Gold  
100's

*Genuine Native American Pipe烟*



20-05104N10 PW

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

Smokin Joes®



Gold  
100's



PROUDLY BORN BY THE  
TERRIBLE THUNDER STATION



7 991701 10

Sale Only Allowed in the



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

NIGHTCLUB®  
*Smooth*



20 CLASS A CIGARETTES

NIGHTCLUB®  
Questions or Comments:  
1-800-274-8010  
7 99 170 10135 7  
FSC  
TP NY 168 • Sale Only Allowed in the United States.

20-02481  
PW  
16

NIGHTCLUB®  
*Smooth*



20 CLASS A CIGARETTES

028943  
RFB

NIGHTCLUB®  
*Smooth*



NIGHTCLUB®  
*Smooth*



UNDERAGE  
SALE  
PROHIBITED

MADE IN  
U.S.A.



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

MADE IN THE USA

  
**NIGHTCLUB<sup>®</sup>**  
*Rich*

*Rich*

**NIGHTCLUB<sup>®</sup>**



200 CLASS A CIGARETTE



9170110133 3 FSC

Allowed in the United States.



Division of  
Advertising Practices

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

July 16, 2018

Mr. John DiCarlo  
Smokin Joes  
4900 Indian Hill Road  
Lewiston, NY 14092

Dear Mr. DiCarlo:

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 Joseph M. Anderson d/b/a Smokin Joes ("Smokin Joes") on July 16, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Exact, Exact Elite, Lewiston, Maple Leaf, Market, Nightclub, Outdoor Freedom, Smokin Joes, Smokin Joes Natural, and Smokin Joes Premium brands of cigarettes.

Smokin Joes' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on June 28, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Accordingly, Smokin Joes' plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

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

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<sup>1</sup> Smokin Joes stated in its July 16, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.



Pack (King and 100's), Menthol Gold Soft Pack (King and 100's), and Blue 100's Soft Pack;

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

Mr. John DiCarlo  
July 16, 2018  
Page 3

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


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

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

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

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

Very truly yours,

  
Mary K. Engle  
Associate Director

---

<sup>2</sup> 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.





***King Mountain Tobacco Company Inc.***

**P. O. Box 422**

**White Swan, Washington 98952**

**Phone: (509) 874-9935 Fax: (509) 874-3690**

July 17th, 2018

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

***RE: King Mountain Tobacco Company, Inc. – King Mountain Cigarette Labeling  
Rotation Renewal Pursuant to 15 U.S.C. §1333(c)(2)***

Dear Ms. Engle,

King Mountain Tobacco Company, Inc., is a manufacturer of tobacco products located at 2000 Fort Simcoe Road; White Swan, WA 98952.

This is an application pursuant to 15 U.S.C. §1333(c)(2) for annual approval of the plan of King Mountain Tobacco Company, Inc., for the display of the four health warnings on packaging for its King Mountain Cigarette Brand. Your Office last approved King Mountain's plan for the display of the Health Warnings on the packaging of the King Mountain Cigarettes on July 24<sup>th</sup>, 2017 and there have been no changes in packaging since that time. The warnings will appear exactly as shown on the samples provided with my letter dated June 18th, 2018. Please note that we manufacture Fire Safe Cigarettes (FSC). Fire Safe Cigarettes are identified by the letters "FSC" in bold above the UPC label on both the cartons and cigarette boxes. All of King Mountain Tobaccos packaging is in the hard pack style.

King Mountain Tobacco Company, Inc.; (KMT) confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) will appear an equal number of times on the packs and cartons of each of the ten brand styles of Fire Safe King Mountain Cigarettes (listed below) it manufacturers during the twelve-month period following approval of this application. In order to ensure equal distribution of the four warnings specified in 15 U.S.C. §1333(a)(1), KMT will require that one-fourth of each order of package and carton material be printed with each of the four warnings. KMT will keep records demonstrating compliance with the plan (please see attachment A & B). Attachment A shows Press Run A and Press Run B, each press run is ran on an alternating sequence to ensure an equal amount of the Surgeon General Warning Labels per order of packaging. Attachment B indicates the warning labels that are used within Run A and Run B. Should there be any residual or additional packaging that is needed to be added or subtracted from inventory in order to obtain 100% compliance of the proper Surgeon General Warning Rotation as specified in 15 U.S.C. §1333(c)(2) will be done manually if needed by King Mountain Employees before the expiration of the plan.



King Mountain Tobacco will keep records demonstrating compliance with this plan.

Sales of King Mountain did not exceed one-fourth of one percent of cigarettes sold in the United States during the calendar year 2017. KMT's fiscal year is the calendar year.

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

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

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all the cigarettes sold in the United States in such year, and
- (ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

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

15 U.S.C. §1332(8)

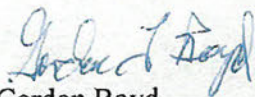
KMT plans to manufacture the following styles of King Mountain:

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

During 2017, KMT sold [REDACTED] sticks of the King Mountain Brand. King Mountain Tobacco does not import or manufacture any other brands. [REDACTED] was the highest selling style with [REDACTED] sticks. This amount is clearly "less than one-fourth of 1 percent of all cigarettes sold in the United States in 2017, as required by 15 U.S.C. §1333(c)(2)(A)(i). Estimated sales for 2018 are [REDACTED] sticks, with [REDACTED] selling approximately [REDACTED] sticks. KMT received approval for our advertising plan on June 25<sup>th</sup>, 2009 and there have been no changes in our advertising plan since that time and KMT will maintain compliance with that plan.

If any additional information is needed please feel free to contact me directly by phone, fax or email.

Sincerely,



Gordon Boyd  
Corporate Secretary  
[reports@kingmountaintobacco.com](mailto:reports@kingmountaintobacco.com)  
(509) 874-9935 Office  
(509) 874-3690 Fax



**King Mountain Tobacco Company Inc.**

P. O. Box 422

White Swan, Washington 98952

Phone: (509) 874-9935 Fax: (509) 874-3690

ATTACHMENT A

**KING MOUNTAIN – SGW ROTATION**

**Press Run A**

**85MM CPBs FSC – Run 30 UP**

	Warning A	Warning B	Warning C	Warning D
Red	8	8	7	7
Gold	7	7	8	8
Menthol	8	8	7	7
Blue	7	7	8	8
Menthol	8	8	7	7
Gold				
TOTAL:	38	38	37	37

**100MM CPBs FSC – Run 20 UP**

	Warning A	Warning B	Warning C	Warning D
Red	5	5	5	5
Gold	5	5	5	5
Menthol	5	5	5	5
Blue	5	5	5	5
Menthol	5	5	5	5
Gold				
TOTAL:	25	25	25	25

**85MM Outer Cartons FSC – Run 6 UP**

	Warning A	Warning B	Warning C	Warning D
Red	2	2	1	1
Gold	1	1	2	2
Menthol	2	2	1	1
Blue	2	2	1	1
Menthol	1	1	2	2
Gold				
TOTAL:	8	8	7	7

**100MM Outer Cartons FSC – Run 6 UP**

	Warning A	Warning B	Warning C	Warning D
Red	2	2	1	1
Gold	1	1	2	2
Menthol	2	2	1	1
Blue	1	1	2	2
Menthol	2	2	1	1
Gold				
TOTAL:	8	8	7	7





**King Mountain Tobacco Company Inc.**

**P. O. Box 422**

**White Swan, Washington 98952**

**Phone: (509) 874-9935 Fax: (509) 874-3690**

**KING MOUNTAIN – SGW ROTATION**

**Press Run B**

**85MM CPBs FSC – Run 30 UP**

	Warning A	Warning B	Warning C	Warning D
Red	7	7	8	8
Gold	8	8	7	7
Menthol	7	7	8	8
Blue	8	8	7	7
Menthol	7	7	8	8
Gold				
TOTAL:	37	37	38	38

**100MM CPBs FSC – Run 20 UP**

	Warning A	Warning B	Warning C	Warning D
Red	5	5	5	5
Gold	5	5	5	5
Menthol	5	5	5	5
Blue	5	5	5	5
Menthol	5	5	5	5
Gold				
TOTAL:	25	25	25	25

**85MM Outer Cartons FSC – Run 6 UP**

	Warning A	Warning B	Warning C	Warning D
Red	1	1	2	2
Gold	2	2	1	1
Menthol	1	1	2	2
Blue	1	1	2	2
Menthol	2	2	1	1
Gold				
TOTAL:	7	7	8	8

**100MM Outer Cartons FSC – Run 6 UP**

	Warning A	Warning B	Warning C	Warning D
Red	1	1	2	2
Gold	2	2	1	1
Menthol	1	1	2	2
Blue	2	2	1	1
Menthol	1	1	2	2
Gold				
TOTAL:	7	7	8	8



***King Mountain Tobacco Company Inc.***

**P. O. Box 422**

**White Swan, Washington 98952**

**Phone: (509) 874-9935 Fax: (509) 874-3690**

<b>TOTALS (Between Press Run A &amp; B)</b>	<b>Warning A</b>	<b>Warning B</b>	<b>Warning C</b>	<b>Warning D</b>
<b>85MM CPBs FSC – Run 30 UP</b>	<b>75</b>	<b>75</b>	<b>75</b>	<b>75</b>
<b>100MM CPBs FSC – Run 20 UP</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>85MM Outer Cartons FSC- Run 6 UP</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>100MM Outer Cartons FSC- Run 6 UP</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>GRAND TOTAL</b>	<b>155</b>	<b>155</b>	<b>155</b>	<b>155</b>



## King Mountain Tobacco Warnings

**A**

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

**C**

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

**B**

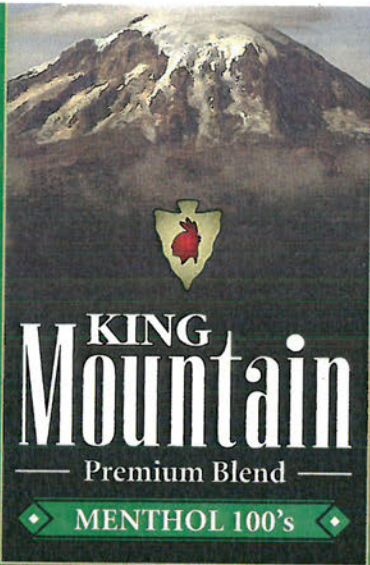
SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health.

**D**

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

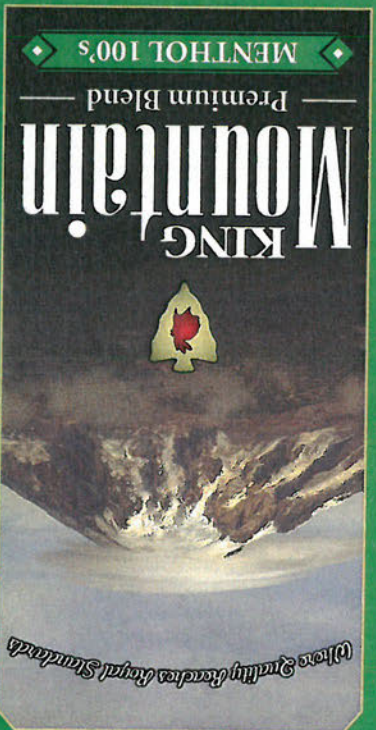
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Selected packaging samples from those  
submitted with the plan.

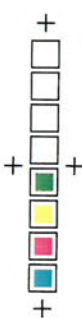


**KING Mountain**  
KING MOUNTAIN TOBACCO INC.  
WHITE SWAN, WA 98952

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



M-12345678901234567890  
21008888888888888888  
WN - B



MADE IN THE USA

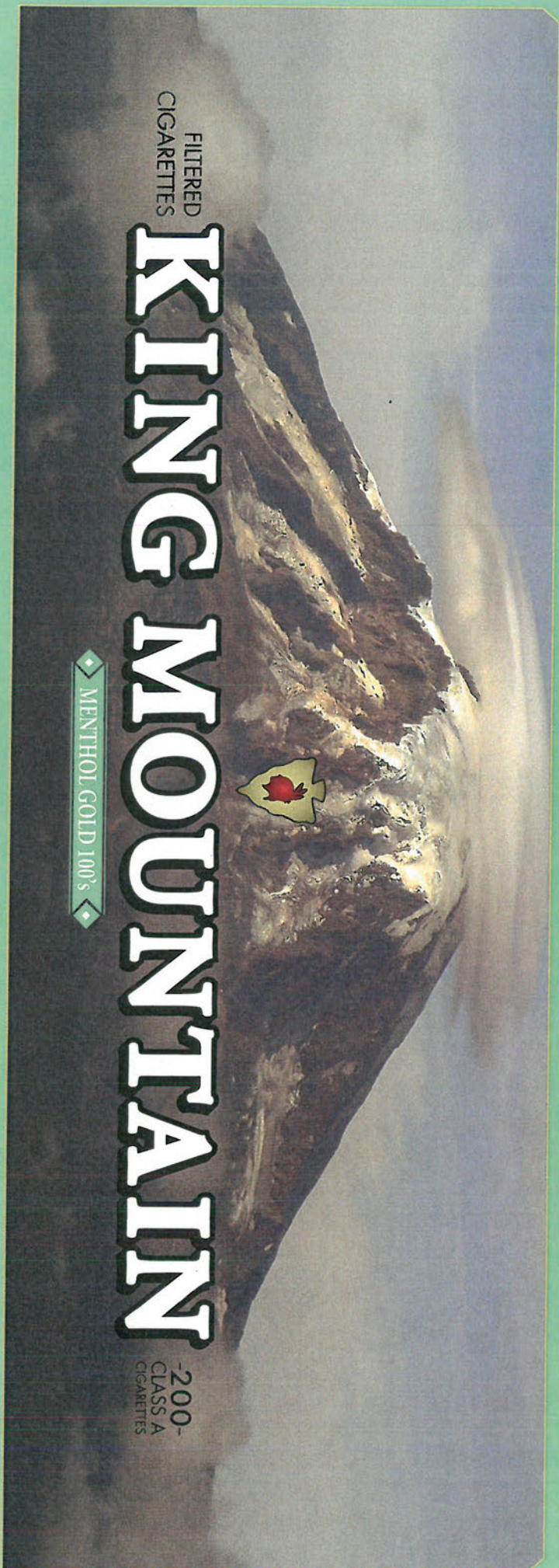
—20—  
CLASS A  
CIGARETTES



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

— 200—  
CLASS A  
CIGARETTES  
— Premium Blend —

MADE IN  
THE USA



FILTERED  
CIGARETTES

# KING MOUNTAIN

—200—  
CLASS A  
CIGARETTES

◆ MENTHOL GOLD 100's ◆

UNDERAGE  
SALE  
PROHIBITED

— KING  
Mountain  
— Premium Blend —



KING MOUNTAIN  
TOBACCO INC.  
WHITE SWAN, WA 98952





Division of  
Advertising Practices

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

July 18, 2018

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

Dear Mr. Boyd:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Mountain Tobacco Company, Inc. ("KMTC") on July 17, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain hard pack varieties of the King Mountain brand of cigarettes.

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

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

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

---

<sup>1</sup> KMTC stated in its July 17, 2018 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on June 18, 2018.

<sup>2</sup> 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. Gordon Boyd  
July 18, 2018  
Page 2

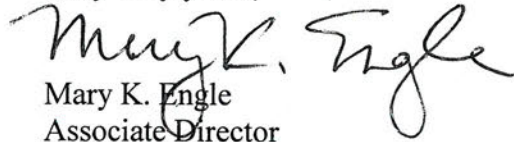
Please note that this letter only approves KMTC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

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

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

Very truly yours,

  
Mary K. Engle  
Associate Director





July 16, 2018

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

**Re: Plan for Compliance with Federal Cigarette Labeling and Advertising Act for Golden Bay Cigarettes**

Dear Ms. Engle:

Global Tobacco LLC received approval from you on May 8, 2017 to rotate the four Surgeon General Warnings quarterly on packaging of certain brand styles of Global Classic and Patriot brands. We now want to submit this letter requesting approval to rotate warnings quarterly on packaging for the following brand styles of the Golden Bay brand of Cigarettes. In order to facilitate such manufacturing, Global submits this letter containing its plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 et. Seq. (FCLAA).

**A. Warning Label Size and Location**

The cigarettes covered by this plan are the following brand styles of Golden Bay Brand:

1. Golden Bay Red 100's Box
2. Golden Bay Gold 100's Box
3. Golden Bay Menthol 100's Box



4. Golden Bay Menthol Gold 100's Box
5. Golden Bay Silver 100's Box
6. Golden Bay Red Kings Box
7. Golden Bay Gold Kings Box
8. Golden Bay Menthol Kings Box

Included with our letter dated June 25<sup>th</sup>, 2018 were samples of actual cartons and packs for the above brand styles of Golden Bay brand. The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b)(1) of the FCLAA. The required warnings will appear exactly as they appear on the samples submitted to the FTC with our letter dated June 25th, 2018.

**B. Packaging - Warning Label Rotation:**

Upon approval of this plan, Global will employ quarterly rotation of the health warnings on packaging. This plan provides the manner by which the required warning statements on cigarette packaging will be rotated quarterly for each of the foregoing brand styles.

Global will rotate the four health warnings quarterly on all packs and cartons of the Golden Bay brand, based on the date of manufacture, according to the schedule below.

Rotation Period	Patriot	Global Classic	Silver Cloud	Golden Bay
First Quarter( Jan-March)	B	A	C	D
Second Quarter (April-June)	C	B	D	A
Third Quarter ( July-Sept)	D	C	A	B
Fourth Quarter ( Oct- Dec)	A	D	B	C



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

Global Tobacco will ensure that all four of the required warnings shall be quarterly rotated on the packs and cartons of each brand style of the Golden Bay brand. As set forth below, Global shall cause appropriate records to be maintained demonstrating that the four required warnings are quarterly rotated on the packs and cartons of the foregoing brand styles in accordance with this plan.

**C. Records of Compliance**

Global will maintain records demonstrating compliance with this plan at our principal place of business.

**D. Advertising**

Global does not intend to advertise the Golden Bay brand of cigarettes. However, in future, if we intend to advertise, we will submit our advertisement plans for FTC approval.





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 me.

Sincerely,

Swetha Duggirala  
Regulatory Affairs Officer  
Global Tobacco LLC  
2861 Congressman Lane, Suite 300  
Dallas, TX 75220  
Ph: 214-357-6653  
Fax: 214-357-6655  
Email: [swetha@globaltobaccolc.com](mailto:swetha@globaltobaccolc.com)

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Selected packaging samples from those  
submitted with the plan.

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



**Golden Bay**  
**SILVER**  
**BOX 100's**

MADE IN USA  
SELECTED FINE TOBACCOS

Manufactured by  
**Global Tobacco LLC.**  
Dallas, Texas 75220  
20 CLASS A CIGARETTES



**Golden Bay**  
**SILVER**

SELECTED FINE TOBACCOS  
MADE IN USA

**Golden Bay**  
**SILVER**  
**BOX 100's**



FILTER CIGARETTES

**Golden Bay**  
**SILVER**

FILTER CIGARETTES

UNDERAGE SALE  
PROHIBITED



MENTHOL GOLD BOX 100'S



UNDERAGE  
SALE  
PROHIBITED

# Golden Bay

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

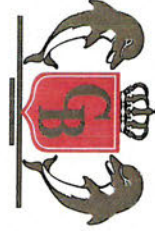
MENTHOL GOLD BOX 100'S

# Golden Bay

MADE IN U.S.A.

Global Tobacco LLC.  
DALLAS, TX, U.S.A.  
MADE IN USA

# Golden Bay



10 BOXES OF  
20 CLASS A  
CIGARETTES

MENTHOL GOLD BOX 100'S

MADE IN USA





Division of  
Advertising Practices

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

July 18, 2018

Ms. Swetha Duggirala  
Global Tobacco, LLC  
2861 Congressman Lane, Suite 300  
Dallas, TX 75220

Dear Ms. Duggirala:

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 Global Tobacco, LLC ("Global Tobacco") on July 16, 2018, calling for quarterly rotation of the four health warnings on packaging for certain varieties of the Golden Bay brand of cigarettes.

The warnings on the sample packs and cartons submitted with your letter dated June 25, 2018 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup> Global Tobacco's plan for quarterly rotation of the four health warnings on packaging for the following eight box varieties of the Golden Bay brand is hereby approved: Red (Kings and 100's), Gold (Kings and 100's), Menthol (Kings and 100's), Menthol Gold 100's, and Silver 100's.

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

If Global Tobacco decides to advertise the Golden Bay brand 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.

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<sup>1</sup> Global Tobacco stated in its July 16, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

<sup>2</sup> 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.



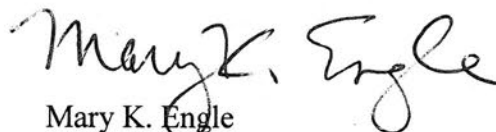
Ms. Swetha Duggirala  
July 18, 2018  
Page 2

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director



July 27, 2018

*CONFIDENTIAL CONTAINS TRADE SECRETS  
AND PROPRIETARY BUSINESS INFORMATION*

**VIA FEDEX**

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

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

Dear Sir / Madam:

This letter is submitted to the Federal Trade Commission ("FTC") on behalf of Wind River Tobacco Company, LLC ("WRTC"), located at 4792 Potato House Court, Wilson, NC 27893, to modify its advertising plan for the display of health warnings on certain (non-internet) advertising for American Bison and Nashville brand cigarettes (the "Advertising Plan"). WRTC seeks to amend its existing advertising plans by including warning rotations for advertising in sizes covered by Category 7 (over 5 to 10 square feet) and Category 8 (over 10 to 20 square feet) of the FTC's schedule for warnings in advertisements.

WRTC has approved plans for the display of health warnings on various forms of advertising including the following: (a) non-internet advertising up to 720 square inches for American Bison brand cigarettes that was approved on April 23, 2002; (b) internet advertising for American Bison brand cigarettes that was approved on June 24, 2004; (c) internet advertising for Nashville brand cigarettes that was approved on March 13, 2006; and (d) non-internet advertising up to 720 square inches for Nashville brand cigarettes and a modification of WRTC's previously approved schedule for quarterly rotation of the four health warnings in advertising that was approved on February 27, 2018.

**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)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

## **II. Advertising Plan Modification**

WRTC intends to manufacture the American Bison and Nashville brands of cigarettes and to advertise those brands on certain signs and promotional materials.

A. Beginning on the date this Advertising Plan is approved, the following label statements required by 15 U.S.C. §1333(a)(2), shall be rotated in advertisements for American Bison and Nashville brand cigarettes in sizes covered by Category 7 (over 5 to 10 square feet) and Category 8 (over 10 to 20 square feet) of the FTC's schedule for warnings in advertisements:

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

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

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

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

B. The warning labels on WRTC's advertising for the American Bison and Nashville brand cigarettes shall be rotated according to the dates listed in Schedule A attached hereto.

C. WRTC will comply with the format requirements of the Act by utilizing the warning formats submitted with the 1985 plans of the five (5) leading U.S. Cigarette manufacturers and place the warnings as specified in those plans. The new advertisement sizes covered by this Advertising Plan are included in Category 7 (over 5 to 10 square feet) and Category 8 (over 10 to 20 square feet) of the FTC's schedule for warnings in advertisements. WRTC's advertisements shall not exceed 20 square feet. Copies of the warning formats that WRTC will use for these Categories are enclosed with this Advertising Plan.

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

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

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

If you have any further questions regarding the Advertising Plan, please do not hesitate to contact me by email at [ckoenigs@ralaw.com](mailto: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

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Enclosures



## SCHEDULE A

### Quarterly Rotation Schedule for Advertising

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

The warnings are as follows:

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



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

Division of  
Advertising Practices

August 13, 2018

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

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Wind River Tobacco Company, LLC’s (“WRTC”) plans for quarterly rotation of the four health warnings in advertising up to seven hundred and twenty square inches in size were approved (1) on April 23, 2002 for the American Bison brand of cigarettes, and (2) on February 27, 2018 for the Nashville brand of cigarettes.

In a letter dated July 27, 2018, you now propose to expand WRTC’s plan to include quarterly rotation of the four health warnings in advertising up to twenty square feet in size for the American Bison and Nashville brands.

WRTC’s July 27, 2018 plan for rotation of the warnings in advertising for the American Bison and Nashville brands is hereby approved. Approval of the plan assumes that the plan is implemented in good faith. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

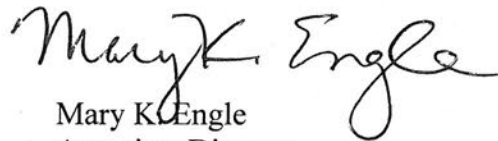
Craig A. Koenigs, Esq.  
August 13, 2018  
Page 2

Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents  
(published March 19, 2010).

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

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

Very truly yours,

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

Mary K. Engle  
Associate Director



**AZUMA CORPORATION**

920 B County Road 56 Allura, CA 96101  
PO Box 340 Allura, CA 96101  
PH: 830-262-5443

August 7, 2018

FEDERAL TRADE COMMISSION  
ADVERTISING PRACTICES  
MAIL DROP CC-10528  
MS MARY ENGLE ASSOCIATE DIRECTOR  
600 PENNSYLVANIA AVENUE  
WASHINGTON DC 20580

Re: Tracker Cigarettes

Dear Ms. Engle:

Please consider this letter our request for annual compliance.

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

Azuma Corporation will manufacture the Tracker cigarette brand in the following varieties:

Red Bear 100's Box  
Golden Panther 100's Box  
Green Forest 100's Box

Red Bear King Size Box  
Golden Panther King Size Box  
Green Forest King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples provided to your office with our letter of May 18, 2018.

FEDERAL TRADE COMMISSION  
MS MARY ENGLE ASSOCIATE DIRECTOR  
RE: TRACKER CIGARETTES  
August 7, 2018  
PAGE 2

Azuma Corporation's anticipated low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. Our estimated sales for all brand styles that we intend to manufacture for the 2018 & 2019 fiscal year are set out in Exhibit A. We had [REDACTED] 2017 sales as we are just starting our manufacturing business. Azuma Corporation will manufacture all of the above styles of cigarettes, as well as the Heron and Sands styles. We have submitted a plan for display of the warnings on packaging for the Shinnecock brand and our awaiting approval of that plan. No brands will be imported.

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 Tracker cigarette brand style listed above an equal number of times for the one-year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on the packs and cartons of each brand style of the Tracker 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.

At this point in time, Azuma Corporation 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,  
  
Darren Rose

Azuma Corporation

Exhibit A

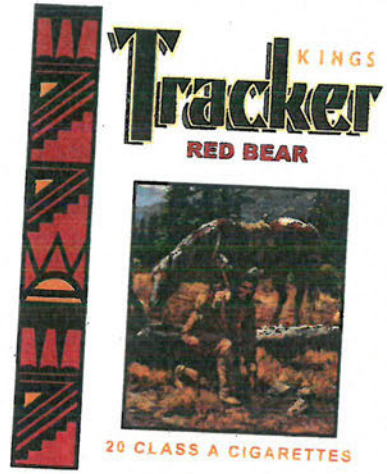
Brand	Style	Estimated 2018 Sales by Stick	Estimated 2019 Sales by Stick
Heron	No. 33 Black Red King Box		
Heron	No. 33 Black Gold King Box		
Heron	No. 33 Black Menthol King Box		
Heron	No. 33 Black Red 100 Box		
Heron	No. 33 Black Gold 100 Box		
Heron	No. 33 Black Menthol 100 Box		
Heron	Crimson Medium King Box		
Heron	Crimson Medium 100 Box		
Sands	Red King Box		
Sands	Gold King Box		
Sands	Silver King Box		
Sands	Menthol King Box		
Sands	Menthol Blue King Box		
Sands	Red 100 Box		
Sands	Gold 100 Box		
Sands	Silver 100 Box		
Sands	Menthol 100 Box		
Sands	Menthol Blue 100 Box		
Tracker	Red Bear King Box		
Tracker	Golden Panther King Box		
Tracker	Green Forest King Box		
Tracker	Red Bear 100 Box		
Tracker	Golden Panther 100 Box		
Tracker	Green Forest 100 Box		
Shinnecock	Red 100 Box		
Shinnecock	Yellow 100 Box		
Shinnecock	Menthol 100 Box		



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Selected packaging samples from those  
submitted with the plan.

MADE IN CALIFORNIA, USA  
TP-GA-15012



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



KM



Please  
Don't Litter.

Sale to Minors  
Prohibited



200 CLASS A CIGARETTES

MADE IN USA



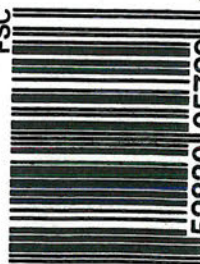
BOX

# Tackler

KINGS

RED BEAR

FSC



7 52830 05729 6

TP-CA-15012

MADE IN USA



BOX

# Tackler

KINGS

RED BEAR

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

MADE IN USA

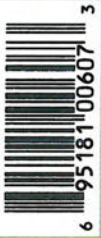




**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.



TP - CA-15012  
20 CLASS A  
CIGARETTES  
MADE IN THE U.S.A.



NOT AFFILIATED WITH THE SHINNECOCK NATION OF INDIANS

**MENTHOL 100's BOX**

MADE IN THE U.S.A.

20 CLASS A CIGARETTES

**MENTHOL 100's BOX**

**SHINNECOCK**  
BRAND

M

20 CLASS A CIGARETTES

MADE IN THE U.S.A.

**MENTHOL 100's BOX**



**SHINNECOCK**  
BRAND

**SHINNECOCK**  
BRAND

**SHINNECOCK**  
BRAND

UNDERAGE  
SALE  
PROHIBITED

20  
CLASS A CIGARETTES



# SHINNECOCK — BRAND —

## RED 100's BOX

200 CLASS A CIGARETTES

MADE IN THE U.S.A.



# SHINNECOCK — BRAND —

## RED 100's BOX

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

200 FILTERED CIGARETTES

NOT AFFILIATED WITH THE SHINNECOCK NATION OF INDIANS.

TP-CA-15012



Sale to Minors Prohibited

# SHINNECOCK





Division of  
Advertising Practices

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

September 5, 2018

Mr. Darren Rose  
Azuma Corporation  
P.O. Box 340  
Alturas, CA 96101

Dear Mr. 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 two letters dated August 7, 2018, which constitute a plan filed by Azuma Corporation (“Azuma”), calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Shinnecock and Tracker 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 May 18, 2018 (Tracker) and June 20, 2018 (Shinnecock) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

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

- Six box varieties of the Tracker brand: Red Bear (Kings and 100’s), Golden Panther (Kings and 100’s), and Green Forest (Kings and 100’s); and
- Three box varieties of the Shinnecock brand: Red 100’s, Yellow 100’s, and Menthol 100’s.

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<sup>1</sup> Azuma stated in its August 7, 2018 letters that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.



Approval of Azuma's plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> 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.

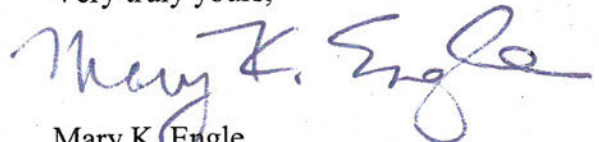
Please note that this letter only approves Azuma's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

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

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

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>2</sup> 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.

September 14, 2018

Ms. Mary K. Engle  
Associate Director  
U.S. Federal Trade Commission  
Bureau of Consumer Protection  
Division of Advertising Practices  
600 Pennsylvania Avenue, NW, CC-10528  
Washington, DC 20580

Re: Sherman's 1400 Broadway N.Y.C., LLC ("Sherman's 1400") – Packaging Rotation Plan

Dear Ms. Engle:

Sherman's 1400's health warning display plan for packaging was most recently approved by our letter dated September 15, 2017.

With this letter, we seek approval for our plan to continue to simultaneously display the four health warnings on previously approved packaging for our current brand styles in order to comply with the Federal Cigarette Labeling and Advertising Act ("FCLAA"). Regarding packaging materials for our current brand styles, each version of the four warnings is equally produced then equally used in the production process (25% A, 25% B, etc.) to ensure that we achieve simultaneous display of the four warnings on all our brand styles. Through the date of this application, the Surgeon General health warnings for the previously approved packaging of our brand styles have been equalized in accordance with our plan.

As stated in our letter of February 13, 2017, Sherman's 1400 removed "Naturals" from its cigarette packaging, which included changing the brand names of all styles in its **Naturals** brand family to the **Select** brand family or the **Originals** brand family (depending on the particular brand style). Therefore, we have removed the **Naturals** brand styles from the current brand and brand styles as listed below.

Current brand and brand styles

The actual hard pack and carton packaging, with each of the four health warnings, for the following brands and styles approved by the FTC on September 15, 2017 remain the same in all material respects and are in compliance with Section 911 of The Family Smoking Prevention and Tobacco Control Act of 2009. The warnings will appear exactly as shown on the samples provided on August 24, 2015, January 9, 2017, February 4, 2017, July 25, 2017 and the revised packaging for the Nat's Menthol brand style submitted on August 21, 2017.

Black & Gold (black paper/gold filter/queen)  
Cigarettellos (brown paper/non filter/queen)  
Classic (white paper/cork filter/king)  
Classic Blue (white paper/cork filter/king)  
Classic Menthol (white paper/cork filter/king)

TOWNHOUSE

12 East 42nd Street, New York, NY 10017  
tel. 212-764-5000 fax 212-764-5134

CORPORATE

10 Sterling Boulevard, Englewood, NJ 07631  
tel. 201-735-9000 fax 201-735-9099

MANUFACTURING

7615 Boeing Drive, Greensboro, NC 27409  
tel. 336-665-6060 fax 336-605-1795

Current brand and brand styles (cont.)

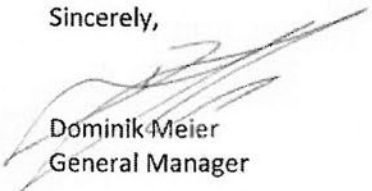
Fantasia (multi-color paper/gold filter/queen)  
Havana Ovals (brown paper/non filter/queen)  
Hint Menthol (brown paper/brown filter/queen)  
MCD (brown paper/brown filter/queen)  
MCD Gold (brown paper/brown filter/queen)  
MCD Menthol (brown paper/brown filter/queen)  
MCD Silver (brown paper/brown filter/queen)  
Nat's King (white paper/cork filter/king) (Rich Taste)  
Nat's Blue King (white paper/white filter/king) (Mellow Taste)  
Nat's Menthol King (white paper/cork filter/king)  
Nat's Yellow King (white paper/white filter/king) (Rich Smooth Taste)  
New York Cut Blue (white paper/white filter/king)  
New York Cut Menthol (white paper/white filter/king)  
New York Cut Original (white paper/cork filter/king)  
Originals (brown paper/cork filter/queen)  
Originals Blue (white paper/white filter/queen)  
Originals Menthol (white paper/white filter/queen)  
Originals Yellow (brown paper/brown filter/queen)  
Select King (white paper/cork filter/king)  
Select Blue King (white paper/white filter/king)  
Select Menthol King (white paper/cork filter/king)  
Select Yellow King (white paper/white filter/king)

Sherman's 1400 total domestic shipments for the twelve-month period ending December 31, 2017 (our prior fiscal year) were [REDACTED] sticks. Our fiscal year changed to a calendar year as of January 2017. The total domestic shipments for 2018 through March 31, 2018 were [REDACTED] sticks. In compliance with FCLAA, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in its prior fiscal year ending December 31, 2017. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the health warnings for each of the foregoing brand styles pursuant to Section 1333(c)(2).

Sherman's 1400 will display the four health warnings an equal number of times on the hard packs and cartons of each of the current brand styles for the twelve-month period beginning on the date of the approval of this plan; or until such time as the authority to approve cigarette health warning statement plans moves from the FTC to the FDA. Sherman's 1400 will maintain records that show compliance with this packaging plan. Sherman's 1400 will maintain compliance with our most recent FTC approved plan for display of the health warnings in advertising.

If you require additional information, please do not hesitate to contact me at 201-735-9020.

Sincerely,



Dominik Meier  
General Manager





Division of  
Advertising Practices

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

September 14, 2018

Mr. Dominik Meier  
Sherman's 1400 Broadway N.Y.C., LLC  
10 Sterling Boulevard  
Englewood, NJ 07631

Dear Mr. Meier:

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 Sherman's 1400 Broadway N.Y.C., LLC ("Sherman's 1400") on September 14, 2018, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Black & Gold, Cigarettellos, Classic, Fantasia, Havana Ovals, Hint, MCD, Nat's, New York Cut, Originals, and Select brands of cigarettes.

Sherman's 1400's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on August 24, 2015, January 9, 2017, February 4, 2017, July 25, 2017, and August 21, 2017 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.<sup>1</sup>

Accordingly, Sherman's 1400's plan for simultaneous display of the four health warnings on packaging for the following box varieties is hereby approved:

- the queen size variety of the Black & Gold brand;
- the Non-Filter queen size variety of the Cigarettellos brand;
- three "International style" king size varieties of the Classic brand (Regular, Blue, and Menthol);
- the queen size variety of the Fantasia brand;

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<sup>1</sup> Sherman's 1400 stated in its September 14, 2018 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- the Non-Filter queen size variety of the Havana Ovals brand;
- the Menthol queen size variety of the Hint brand;
- four queen size varieties of the MCD brand (Regular, Gold, Menthol, and Silver);
- four king size varieties of the Nat's brand (King (Rich Taste), Blue (Mellow Taste), Menthol, and Yellow (Rich Smooth Taste));
- three king size varieties of the New York Cut brand (Blue, Menthol, and Original);
- four queen size varieties of the Originals brand (Originals, Blue, Menthol, and Yellow); and;
- four king size varieties of the Select brand (Select, Blue, Menthol, and Yellow).

This approval pertains only to packaging that meets the requirements of the Cigarette Act in force as of the date of this letter. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission approved.

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

Please note that this letter only approves Sherman's 1400's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on packaging for Sherman's 1400's cigarettes. Moreover, it is not in any way an approval of any other design element, statement, or representation made in advertising or on packaging for Sherman's 1400's cigarettes, including, but not limited to, "natural." Nor does this letter purport to interpret or express any opinion about the adequacy of Sherman's 1400's packaging and advertising under the FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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<sup>2</sup> 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.

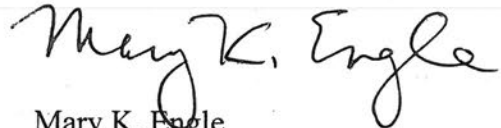
Mr. Dominik Meier  
September 14, 2018  
Page 3

menthol) in cigarettes has been prohibited. You can find additional information at [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm), or [www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm), and sign up for FDA email updates at [www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm](http://www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm).

**This approval is effective on the date of this letter and runs through September 13, 2019, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.**

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

Very truly yours,



Mary K. Engle  
Associate Director