



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: November 20, 2015

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. March 18, 2014 letter from Stacy Saunders, Wind River Tobacco Company, LLC to Mary K. Engle.
2. April 1, 2014 letter from Mary K. Engle to Stacy Saunders, Wind River Tobacco Company, LLC.
3. April 1, 2014 letter from Bhavani Parameswar, King Maker Marketing, Inc. to the Division of Advertising Practices.
4. April 2, 2014 letter from Mary K. Engle to Bhavani Parameswar, King Maker Marketing, Inc.
5. March 14, 2014 letter from Donna Woody, Sandia Tobacco Manufacturers, Inc. to Mary K. Engle.
6. April 7, 2014 letter from Mary K. Engle to Donna Woody, Sandia Tobacco Manufacturers, Inc.
7. March 31, 2014 letter from Millie P. Lukose, Commonwealth Brands, Inc. to Mary K. Engle.
8. April 18, 2014 letter from Mary K. Engle to Millie P. Lukose, Commonwealth Brands, Inc.

9. April 10, 2014 letter from Ben Fenner, Rock River Manufacturing, to Mary K. Engle.
10. April 21, 2014 letter from Mary K. Engle to Ben Fenner, Rock River Manufacturing.
11. April 14, 2014 letter from J. Conrad Seneca d/b/a Six Nations Manufacturing to Mary K. Engle.
12. April 23, 2014 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
13. April 21, 2014 letter from Barry M. Boren on behalf of Everything Tobacco, LLC to Mary Engle.
14. April 23, 2014 letter from Mary K. Engle to Barry Boren on behalf of Everything Tobacco, LLC.
15. April 15, 2014 letter from Terri Albright, Premier Manufacturing, Inc. to Mary K. Engle.
16. April 25, 2014 letter from Mary K. Engle to Terri Albright, Premier Manufacturing, Inc.
17. April 29, 2014 letter from Nancyellen Keane on behalf of Firebird Manufacturing, LLC to Mary Angle [*sic*].
18. May 6, 2014 letter from Mary K. Engle to Nancyellen Keane on behalf of Firebird Manufacturing, LLC.
19. April 22, 2014 letter from Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc. to Bonnie McGregor
20. May 12, 2014 letter from Mary K. Engle to Barry M. Boren on behalf of Konci G & D Management Group (USA), Inc.
21. May 7, 2014 letter from William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates to Mary K. Engle.
22. May 14, 2014 letter from Mary K. Engle to William J. McGowan on behalf of Susan Jesmer d/b/a Native Trading Associates.
23. May 12, 2014 letter from John R. Long, Liggett Group LLC to Mary K. Engle.
24. May 22, 2014 letter from Mary K. Engle to John R. Long, Liggett Group LLC.
25. May 13, 2014 letter from Gregory E. Cudjoe, Beedies LLC to Mary K. Engle.

26. May 22, 2014 letter from Mary K. Engle to Gregory E. Cudjoe, Beedies LLC.
27. May 21, 2014 letter from Swetha Duggirala, Global Tobacco LLC to Mary K. Engle.
28. May 22, 2014 letter from Mary K. Engle to Swetha Duggirala, Global Tobacco LLC.
29. June 2, 2014 letter from J. Conrad Seneca d/b/a Six Nations Manufacturing to Mary K. Engle.
30. June 9, 2014 letter from Mary K. Engle to J. Conrad Seneca d/b/a Six Nations Manufacturing.
31. June 16, 2014 letter from Karen E. Delaney, Joseph M. Anderson d/b/a Smokin Joes to Mary K. Engle.
32. June 18, 2014 letter from Mary K. Engle to Karen E. Delaney, Joseph M. Anderson d/b/a Smokin Joes.
33. June 23, 2014 letter from Arthur Montour, Native Wholesale Supply Co. to Mary K. Engle.
34. June 24, 2014 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Co.
35. June 11, 2014 letter from Meghan Murphy Beakman, D Cube, LLC d/b/a Sovereign Tobacco Co.



WIND RIVER TOBACCO CO.

March 18, 2014

VIA Email and U.S.P.S

Ms. Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580
FX: (202)-326-3259

RE: Wind River Tobacco Company, LLC –American Bison® Cigarette & Nashville® Cigarette Labeling Rotation Plan Application Pursuant to 15 U.S.C. §1333(c)(2)

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for renewal of the plan of Wind River Tobacco Company, LLC, ("WRTC") for its American Bison® & Nashville® cigarette brands. Please note WRTCO's address has changed;

Mailing: Wind River Tobacco
P.O Box 129
Springfield, TN 37172

Physical: Wind River Tobacco
215 Evergreen Drive
Springfield, TN 37172

(The U.S. Postal Service, ("USPS"), does not deliver to the physical address. Correspondence by USPS must be addressed to P.O. Box 129. Non-USPS correspondence carried by UPS, FedEx, etc. must be addressed to 215 Evergreen Drive).

I, Stacy Saunders, Chief Compliance Officer of WRTC confirm and warrant that I will cause the company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly displayed for American Bison® & Nashville® cigarettes. WRTC will display the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of American Bison® Cigarettes & Nashville® Cigarettes it manufactures during the twelve month period following approval of this application. We will

achieve this by having all warnings print simultaneously at the time of both pack and carton print runs. Wind River Tobacco will keep records of compliance for the submitted rotation plan. WRTC manufactures American Bison® Cigarettes & Nashville® Cigarettes under our tobacco manufacturing license number TP-TN-15001.

During 2014, WRTC plans to manufacture two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Pack Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes. 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.

WRTC operates on a calendar year. WRTC believes that sales of American Bison® Cigarettes & Nashville® Cigarettes will not exceed one quarter of one percent of cigarettes manufactured in the United States during calendar year 2014. The combined sales of each of WRTC's two American Bison® & three Nashville® brand styles which are the only brands and brand styles manufactured by WRTC were well below one quarter of one percent of the cigarettes sold in the United States during 2013. These determinations are based upon WRTC's records showing that sales made during calendar year 2013 were [REDACTED] sticks American Bison® Cigarette sticks and [REDACTED] Nashville® Cigarette sticks. Estimated 2014 sales are: [REDACTED] sticks.

As you know, cigarette labeling in the United States is governed by the Federal Cigarette Labeling and Advertising Act, as amended, 36 U.S.C. §§1331-41. The Commission may grant the twelve month alternative to the quarterly rotation cycle that WRTC 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 1 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).

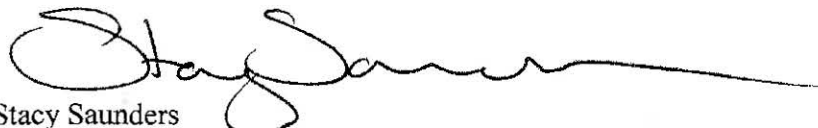
WRTC submitted its plan for advertising the American Bison® brand in advertisements not exceeding 720 square inches on April, 23 2002. WRTC submitted its internet advertising plan for the American Bison® brand on June 16th 2004 and for the Nashville® brand on February 9th 2006. WRTC will maintain compliance with those approved plans.

Actual packs and cartons for each brand and style with each of the four warnings were included with the previous submissions. The first submission on April 26, 2011 included packaging styles for two brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Pack Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes.

The four cigarette health warnings will appear exactly as shown on the representative samples of packaging for the American Bison® Cigarettes and for the Nashville® Cigarettes brands.

Please let me know if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stacy Saunders", with a long horizontal flourish extending to the right.

Stacy Saunders
Chief Compliance Officer



Division of
Advertising Practices

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

April 1, 2014

Ms. Stacy Saunders
Chief Compliance Officer
Wind River Tobacco Company, LLC
P.O. Box 129
Springfield, TN 37172

Dear Ms. Saunders:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Wind River Tobacco Company, LLC ("WRTC") dated March 18, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated April 26, 2011 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, WRTC's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Two king size soft pack varieties of the American Bison brand: Bold Filter, and Mellow Filter; and
- Three king size soft pack varieties of the Nashville brand: Full Flavor Filter, Smooth Filter, and Menthol Filter.

¹ WRTC stated in its March 18, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on that date.

Ms. Stacy Saunders
April 1, 2014
Page 2

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

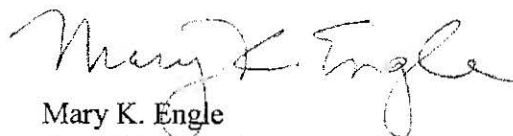
Please note that this letter only approves WRTC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through March 31, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

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



KING-MAKER MARKETING, INC.

April 1, 2014

Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, NW
Room 4002
Washington, DC 20580

Attention: Mary K. Engle, Associate Director

Dear Ms. Engle:

Sub: Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 *et seq.* requirements; Labeling and Advertising Plan for the “Checkers, Hi-Val, Gold Crest, and Ace” Brand Cigarettes imported by King Maker Marketing, Inc. (“KMM”) for the year beginning April 3, 2014.

This letter is to gain approval for KMM’s plan for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest and Hi-Val brands of cigarettes. Your current approval extends to April 2, 2014.

1. King Maker Marketing, Inc. (“KMM”) is an importer and distributor of cigarette products in the United States, bearing the following brand names.
Ace™
Checkers™
Gold Crest™
Hi-Val™
2. KMM sold roughly [REDACTED] sticks of cigarettes of all of the above brands in the fiscal year 2013, which runs from April 1, 2013 through March 31, 2014, which is under ¼ of 1% of the total US market for cigarettes. In fiscal year 2014, we expect to sell just about [REDACTED] sticks. This falls within the statutory threshold denoted in 15 U.S.C. §1333(c)(2)(A)(i) which makes KMM eligible for simultaneous display. Aggregate sales meet the requirements of U.S.C. §1333(c)(2)(A)(ii).
3. KMM wishes to continue to comply with the Federal Cigarette Labeling and Advertising Act by using the option of simultaneous display of Surgeon General warnings. (U.S.C. §1333(c)(2)(A)). The cigarettes will be displayed with the “non-descriptor” packaging as approved earlier. (list

12 Route 17 North • Suite 304
Paramus, NJ 07652
(201) 843-0377 • 800-317-0377
Fax: (201) 843-2092

enclosed – See Annexure “A”) We will display the four warnings an equal number of times on the packs and cartons of each brand style of the above listed brands for the one year period beginning on the date of approval of this plan. We will achieve this by having all four warnings print simultaneously, at the time of both the pack and the carton print runs. Records will be maintained to provide evidence of our compliance with this plan.

4. Except as provided in paragraph five below, the warnings will appear on the packs and cartons of each brand style of Checkers, Hi-Val, Gold Crest, and Ace cigarettes, exactly as the samples previously submitted:

Ace™	All brand styles	February 24, 2010
Checkers™	All brand styles	February 24, 2010
Gold Crest™	All brand styles	February 24, 2010
Hi-Val™	64210 Deep Green Menthol 10 Kings Box Filter	February 24, 2010
	61410 Red Kings Box Filter	February 24, 2010
	63410 Maroon Non Filter Kings Box	February 24, 2010
	61310 Red 100's Box Filter	February 24, 2010
	64310 Deep Green Menthol 10 100's Box Filter	February 24, 2010
	65210 Pale Green Menthol 94 Kings Box Filter	March 30, 2010
	62410 Yellow Kings Box Filter	March 30, 2010
	62310 Yellow 100's Box Filter	March 30, 2010
	63310 Blue 100's Box Filter	March 30, 2010
	65310 Pale Green Menthol 94 100's Box Filter	March 30, 2010

As explained before, the names of these colors do not appear on the packaging itself and are given solely for your reference only.

5. KMM introduced packaging with a white background for the Gold Crest brand following approval of last year's plan. The warnings on the packs and cartons with the white background appear exactly as shown on the samples submitted with the letter dated March 22, 2013. KMM continues to sell the packs and cartons with the white background for the Gold Crest Brand while concurrently selling the remaining inventory of its previously approved packs and cartons for the Gold Crest Brand with the gold background that were submitted to the FTC on February 24, 2010. Once the packs and cartons submitted to the FTC on February 24, 2010 are sold out, KMM proposes to sell only the versions of the Gold Crest packaging included with the letter dated March 22, 2013.
6. KMM wishes to maintain the previously approved Advertising Plan for all brands listed above, e.g. Counter Displays, Floor Displays, posters, banners, window signs, etc. – as allowed by the

law in force, including the FSPTCA; samples of which have been submitted previously (list enclosed – See Annexure “B”) as follows:

Ace™	All brand styles	January 11, 2005
Checkers™	All brand styles	May 25, 2001
Gold Crest™	All brand styles	November 20, 2000
Hi-Val™	All brand styles	May 25, 2001

For advertising materials, we will continue to comply with the Advertising Plans as approved by you previously.

7. Further, we will continue to comply with existing and forthcoming advertising and labeling regulations from the FDA/FTC pursuant to the Family Smoking Prevention and Tobacco Control Act of 2009.

We thank you for your consideration and will be glad to provide any further information or clarification as necessary. Look forward to receiving your approval, at the earliest.

Sincerely,



Bhavani Parameswar
President

Enclosures

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand Family – ACE – 10 brand Styles

<u>Brand Style</u>	<u>Packing</u>
Ace 94210 Deep Green Menthol 10 Kings Box Filter	20's
Ace 95210 Pale Green Menthol 94 Kings Box Filter	20's
Ace 91410 Red Kings Box Filter	20's
Ace 92410 Yellow Kings Box Filter	20's
Ace 93410 Maroon Non Filter Kings Box	20's
Ace 91310 Red 100's Box Filter	20's
Ace 92310 Yellow 100's Box Filter	20's
Ace 93310 Blue 100's Box Filter	20's
Ace 94310 Deep Green Menthol 10 100's Box Filter	20's
Ace 95310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Country of Origin - India

Trademark Holder:
King Maker Marketing, Inc.
12 Route 17 North, Suite 304
Paramus, NJ 07652
Tel: 201-843-0377
Contact Person: Bhavani Parameswar

Manufactured by:
ITC Limited
Meenakunte Village
Jalahobli, Bangalore (North) 562 157
Karnataka, India
Tel No. 011-91 80 2846 7713
Fax No. 011-91 80 2846 7707
Plant Manager: Mr. Nirmallya Ghosal

For and on Behalf of
King Maker Marketing Inc.

VR Bhavani
Bhavani Parameswar
President

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand Family – Checkers – 10 Brand Styles

<u>Brand Style</u>	<u>Packing</u>
Checkers 54210 Deep Green Menthol 10 Kings Box Filter	20's
Checkers 55210 Pale Green Menthol 94 Kings Box Filter	20's
Checkers 51410 Red Kings Box Filter	20's
Checkers 52410 Yellow Kings Box Filter	20's
Checkers 53410 Maroon Non Filter Kings Box	20's
Checkers 51310 Red 100's Box Filter	20's
Checkers 52310 Yellow 100's Box Filter	20's
Checkers 53310 Blue 100's Box Filter	20's
Checkers 54310 Deep Green Menthol 10 100's Box Filter	20's
Checkers 55310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Country of Origin - India

Trademark Holder:
King Maker Marketing, Inc.
12 Route 17 North, Suite 304
Paramus, NJ 07652
Tel: 201-843-0377
Contact Person: Bhavani Parameswar

Manufactured by:
ITC Limited
Meenakunte Village
Jalahobli, Bangalore (North) 562 157
Karnataka, India
Tel No. 011-91 80 2846 7713
Fax No. 011-91 80 2846 7707
Plant Manager: Mr. Nirmallya Ghosal

For and on Behalf of
King Maker Marketing Inc.


Bhavani Parameswar
President

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand Family– Hi-Val – 10 Brand Styles

<u>Brand Style</u>	<u>Packing</u>
Hi Val 64210 Deep Green Menthol 10 Kings Box Filter	20's
Hi Val 65210 Pale Green Menthol 94 Kings Box Filter	20's
Hi Val 61410 Red Kings Box Filter	20's
Hi Val 62410 Yellow Kings Box Filter	20's
Hi Val 63410 Maroon Non Filter Kings Box	20's
Hi Val 61310 Red 100's Box Filter	20's
Hi Val 62310 Yellow 100's Box Filter	20's
Hi Val 63310 Blue 100's Box Filter	20's
Hi Val 64310 Deep Green Menthol 10 100's Box Filter	20's
Hi Val 65310 Pale Green Menthol 94 100's Box Filter	20's

Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Country of Origin - India

Trademark Holder:
ITC Ltd
37, J.L. Nehru Road
Kolkata, India – 700 071
Tel: 201-843-0377
Contact Person: Bhavani Parameswar

Manufactured by:
ITC Limited
Meenakunte Village
Jallahobli, Bangalore (North) 562 157
Karnataka, India
Tel No. 011-91 80 2846 7713
Fax No. 011-91 80 2846 7707
Plant Manager: Mr. Nirmallya Ghosal

**For and on Behalf of
King Maker Marketing Inc.**

VR Bhavani
**Bhavani Parameswar
President**

King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652
Phone: (201) 843-0377 Fax: (201) 843-2092

Brand Family – Gold Crest – 10 Brand Styles in both gold and white background packs and cartons

<u>Brand Style</u>	<u>Packing</u>
Gold Crest 44210 Deep Green Menthol 10 Kings Box Filter	20's
Gold Crest 45210 Pale Green Menthol 94 Kings Box Filter	20's
Gold Crest 41410 Red Kings Box Filter	20's
Gold Crest 42410 Yellow Kings Box Filter	20's
Gold Crest 43410 Maroon Non Filter Kings Box	20's
Gold Crest 41310 Red 100's Box Filter	20's
Gold Crest 42310 Yellow 100's Box Filter	20's
Gold Crest 43310 Blue 100's Box Filter	20's
Gold Crest 44310 Deep Green Menthol 10 100's Box Filter	20's
Gold Crest 45310 Pale Green Menthol 94 100's Box Filter	20's

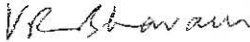
Note: Colors are mentioned here for your reference only and do not appear on the product packaging.

Country of Origin - India

Trademark Holder:
King Maker Marketing, Inc.
12 Route 17 North, Suite 304
Paramus, NJ 07652
Tel: 201-843-0377
Contact Person: Bhavani Parameswar

Manufactured by:
ITC Limited
Meenakunte Village
Jallahobli, Bangalore (North) 562 157
Karnataka, India
Tel No. 011-91 80 2846 7713
Fax No. 011-91 80 2846 7707
Plant Manager: Mr. Nirmallya Ghosal

For and on Behalf of
King Maker Marketing Inc.


Bhavani Parameswar
President

Schedule of Surgeon General’s Warnings for Advertising Materials

Brand Group – Checkers

- | | | |
|------------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |
| Qtr II – April to June | - | SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon
Monoxide |
| Qtr III – July to September | - | SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr IV – October to December | - | SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |

Brand Group – Hi-Val

- | | | |
|-----------------------------|---|--|
| Qtr I – January to March | - | SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight. |
| Qtr II – April to June | - | SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy. |
| Qtr III – July to September | - | SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health. |

Qtr IV – October to December - SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon Monoxide.

Brand Group – Gold Crest

Qtr I – January to March - SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health.

Qtr II – April to June - SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight.

Qtr III – July to September - SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon
Monoxide.

Qtr IV – October to December - SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy.

Brand Group – Ace

Qtr I – January to March - SURGEON GENERAL’S WARNING:
Smoking Causes Lung Cancer, Heart
Disease, Emphysema, And May Complicate
Pregnancy.

Qtr II – April to June - SURGEON GENERAL’S WARNING:
Cigarette Smoke Contains Carbon
Monoxide.

Qtr III – July to September - SURGEON GENERAL’S WARNING:
Smoking By Pregnant Women May Result
in Fetal Injury, Premature Birth, And Low
Birth Weight.

Qtr IV – October to December - SURGEON GENERAL’S WARNING:
Quitting Smoking Now Greatly Reduces
Serious Risks to Your Health.



Division of
Advertising Practices

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

April 2, 2014

Ms. Bhavani Parameswar
King Maker Marketing, Inc.
12 Route 17 North
Suite 304
Paramus, NJ 07652

Dear Ms. Parameswar:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. ("King Maker") on April 1, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ace, Checkers, Gold Crest, and Hi-Val brands of cigarettes.

King Maker's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date(s)</u>
Ace	February 24, 2010
Checkers	February 24, 2010
Gold Crest	February 24, 2010 (packaging with gold background) March 22, 2013 (packaging with white background)

¹ King Maker stated in its April 1, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Hi-Val	February 24, 2010 ² March 30, 2010

Accordingly, King Maker's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:³

- Ten varieties of the Ace brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon);
- Ten varieties of the Checkers brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon);
- Ten varieties of the Gold Crest brand (in both gold background and white background):⁴ Kings box (with red stripe), 100's box (with red stripe), Kings box (with yellow stripe), 100's box (with yellow stripe), 100's box (with blue stripe), Menthol 10 Kings box (with deep green stripe), Menthol 10 100's box (with deep green stripe), Menthol 94 Kings box (with pale green stripe), Menthol 94 100's box (with pale green stripe), and Non-Filter Kings box (with maroon stripe); and
- Ten varieties of the Hi-Val brand: Kings box (red), 100's box (red), Kings box (yellow), 100's box (yellow), 100's box (blue), Menthol 10 Kings box (deep green), Menthol 10 100's box (deep green), Menthol 94 Kings box (pale green), Menthol 94 100's box (pale green), and Non-Filter Kings box (maroon).

² Although the warnings on the sample packs for the Kings (yellow), 100's (yellow), 100's (blue), Menthol 94 Kings (pale green), and Menthol 94 100's (pale green) box varieties of the Hi-Val brand submitted on February 24, 2010 were not sufficiently conspicuous, corrected samples were submitted on March 30, 2010.

³ As set forth in its April 1, 2014 letter, King Maker is using colors to identify its cigarette varieties. We note that the color names are not printed on the packaging; however, the color referenced in a variety's name does conform to the color used in its packaging.

⁴ As described in its April 1, 2014 letter, King Maker intends to run out its existing inventory of packaging for the Gold Crest brand (packaging with a colored stripe on a gold background) and replace it with packaging containing a colored stripe on a white background.

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 this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.⁵ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

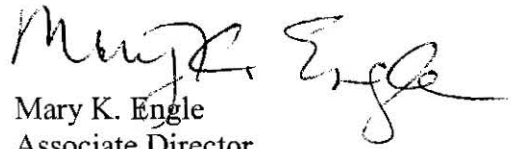
This approval is effective on the date of this letter and runs through April 1, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

⁵ 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. Bhavani Parameswar
April 2, 2014
Page 4

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

Very truly yours,


Mary K. Engle
Associate Director



March 14, 2014

Mary K. Engle

Associate Director

Division of Advertising Practices

Federal Trade Commission

601 New Jersey Avenue NW

Room NJ3212

Washington DC 20001

Re: Cigarette Health Warning Equalization Plan

Submitted by Sandia Tobacco Manufacturers, Inc. ("Sandia") for Sandia and Royal cigarettes.

Ladies and Gentlemen:

We are submitting Sandia Tobacco Manufacturers, Inc.'s Surgeon General's Equalization Plan as required under the Federal Cigarette Labeling and Advertising Act of 1984 (15 USC – 1331 (1998), et seq.), as amended. Sandia is the manufacturer of the Sandia and Royal Brands of cigarettes. We are submitting the Equalization Plan for approval. Our factory is located at 403 Camino Oriente, Moriarty, NM 87035. The President of Sandia Tobacco Manufacturers, Inc. is Donald Packingham.

Sandia Tobacco Manufacturers, Inc. made no changes to any packaging or brand styles in 2013. All packaging will remain exactly as the samples previously submitted and approved by the FTC.

The cigarettes covered by this plan are the following brand styles of U.S. manufactured Sandia and Royal brand cigarettes, which include health warnings complying with the Surgeon General warning language, set forth in the statute:

- 1) Sandia Full Flavor King Soft
- 2) Sandia Full Flavor 100 Soft
- 3) Sandia Blue King Soft
- 4) Sandia Blue 100 Soft
- 5) Sandia Light Blue pack King Soft
- 6) Sandia Light Blue pack 100 Soft
- 7) Sandia Full Flavor Menthol King Soft
- 8) Sandia Full Flavor Menthol 100 Soft
- 9) Sandia Menthol King Soft
- 10) Sandia Menthol 100 Soft
- 11) Sandia Full Flavor King Box
- 12) Sandia Full Flavor 100s Box
- 13) Sandia Blue King Box
- 14) Sandia Blue 100s Box
- 15) Sandia Light Blue pack 100s Box
- 16) Sandia Full Flavor Menthol King Box
- 17) Sandia Full Flavor Menthol 100s Box
- 18) Sandia Menthol 100s Box
- 19) Royal Full Flavor Kings Soft
- 20) Royal Gold Kings Soft
- 21) Royal Silver Kings Soft
- 22) Royal Full Flavor 100s Soft
- 23) Royal Gold 100s Soft
- 24) Royal Silver 100s Soft
- 25) Royal Full Flavor Menthol 100s Soft
- 26) Royal Menthol 100s Soft



- 27) Royal Full Flavor King Box
- 28) Royal Full Flavor 100s Box
- 29) Royal Gold King Box
- 30) Royal Gold 100s Box
- 31) Royal Silver 100s Box
- 32) Royal Full Flavor Menthol King Box
- 33) Royal Full Flavor Menthol 100s Box
- 34) Royal Menthol 100s Box

The four health warnings have been equalized to date on the brand styles listed above.

The company manufactured [REDACTED] sticks of the Sandia brand and [REDACTED] sticks of the Royal brand during the 2013 calendar year, which is the fiscal year of Sandia Tobacco. These sales are less than one fourth, of one percent of all Cigarettes sold in the United States of America during that period. The Company anticipates manufacturing [REDACTED] sticks of Sandia brand and [REDACTED] sticks of Royal brand in 2014. More than one-half of the cigarettes manufactured by the company will be packaged into brand styles that meet this requirement of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent).

Sandia Tobacco is under contract for Natural Fresh Choice Company and also manufactures their American Harvest and Revenge brand cigarettes. Natural Fresh Choice has its own warning statement plan in place for these brands. Sandia Tobacco does not manufacture or import any other brands of cigarettes.

The required warnings will be printed directly on the packs and cartons in a conspicuous location as required under the Cigarette Labeling and Advertising Act ("CLAA").

The four (4) cigarette health warnings will appear on the packs and cartons of each brand style of the Sandia and Royal brands of cigarettes an equal number of times over the one (1) year period starting on the date this Plan is approved. During printing, all four (4) warnings will be printed simultaneously in equal numbers for each brand style at the time of pack and carton print runs. We will maintain records demonstrating compliance with this plan.



For advertising the Sandia brand, Sandia Tobacco Manufacturers, Inc. will remain in compliance with its January 29, 2004 advertising plan that was approved on February 3, 2004, and April 15, 2009 internet advertising plan which was approved on April 21, 2009. We still do not advertise the Royal brand and do not intend to do so.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act, as amended, and request expedited approval of this request. Should this request conform to your requirements, we further request that the letter evidencing approval be faxed to the undersigned at 505-877-3476.

Should you require any additional information with respect to the foregoing, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. Woody".

Donna Woody
Vice President/Secretary/Treasurer



Division of
Advertising Practices

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

April 7, 2014

Ms. Donna Woody
Vice President/ Secretary/ Treasurer
Sandia Tobacco Manufacturers, Inc.
403 Camino Oriente
Moriarty, NM 87035

Dear Ms. Woody:

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 Sandia Tobacco Manufacturers, Inc. ("Sandia") dated March 14, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for the Sandia and Royal brands of cigarettes.

Sandia's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Dates</u>
Sandia	March 31, 2011 January 5, 2012
Royal	March 31, 2011 May 2, 2011 May 19, 2011 January 5, 2012

¹ Sandia stated in its March 14, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

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

- Eighteen varieties of the Sandia brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Blue Kings (Soft and Box), Blue 100's (Soft and Box), Kings Soft (Light Blue packaging), 100's Soft and Box (Light Blue packaging),² Full Flavor Menthol Kings (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol Kings Soft, and Menthol 100's (Soft and Box); and
- Sixteen varieties of the Royal brand: Full Flavor Kings (Soft and Box), Full Flavor 100's (Soft and Box), Full Flavor Menthol 100's (Soft and Box), Menthol 100's (Soft and Box), Gold Kings (Soft and Box), Gold 100's (Soft and Box), Silver Kings Soft, Silver 100's (Soft and Box), and Full Flavor Menthol Kings Box.

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

If Sandia decides to advertise the Royal 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 for that brand.

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

² Sandia is using colors to identify four varieties of the Sandia brand ("Sandia Blue Kings Soft," "Sandia Blue Kings Box," "Sandia Blue 100's Soft," and "Sandia Blue 100's Box"), and for these four varieties, the color names are printed on the packaging. We note that three other varieties ("Sandia Kings Soft," "Sandia 100's Soft," and "Sandia 100's Box") are in Light Blue packaging, but the color name does not appear on the packaging.

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

Ms. Donna Woody
April 7, 2014
Page 3

since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through April 6, 2015, 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 Arien Parham at (202) 326-2696.

Very truly yours,

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

Mary K. Engle
Associate Director



Commonwealth

B R A N D S, I N C.

March 31, 2014

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

**RE: COMMONWEALTH BRANDS, INC.
REQUEST FOR APPROVAL OF DAVIDOFF PACKAGING CHANGE**

Dear Ms. Engle:

On March 7, 2014, in correspondence to Millie Lukose, you advised that Commonwealth Brands' plan for the display of the four health warnings for all its packaging, including packaging for the Davidoff brand, had been approved.

Commonwealth Brands hereby requests approval of a packaging change relating to four (4) styles of the Davidoff brand. The approval is being requested as the packaging has been redesigned to (i) add a dot matrix detail, (ii) reposition certain information such as the brand style identification, and (iii) change the location of manufacture. The Davidoff brand style names have not changed and are listed below.

DAVIDOFF BRAND STYLE NAMES (*Names Unchanged*)

Classic Filter Luxury Length Box
Gold Filter Luxury Length Box
Menthol Filter Luxury Length Box
Menthol Silver Filter Luxury Length Box

These packages will replace the Davidoff packaging currently approved by the FTC. Sample packs and cartons for each brand style affected by this packaging change request were submitted to your office in correspondence dated March 25, 2014. The four health warnings will appear exactly as shown on the submitted samples. The four health warnings on the two Davidoff brand styles not affected by this packaging change request will appear exactly as shown on the samples submitted to your office in correspondence dated January 2, 2013. The warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

Based on the sales volume for the one-year period ending September 30, 2013, none of the Davidoff brand styles listed above will exceed one fourth of one percent (0.25%) of cigarettes sold in the United States for the one year period covered by our existing plan approved on March 7, 2014. The

P.O. Box 407130 Fort Lauderdale, FL 33340-7130 Ph. (954) 772-9000

www.commonwealthbrands.com
An IMPERIAL TOBACCO GROUP company

warnings on all Davidoff brand styles will continue to be equalized in accordance with Commonwealth Brands' March 7, 2014 plan. Commonwealth Brands will continue to be in compliance with the previously approved advertising plans for the Davidoff brand.

If you require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Millie Lukose".

Millie P. Lukose
Legal Counsel

Selected packaging samples from those
submitted with the plan.

Printed on Recycled Paper
with 100% Recycled Content
Dove and M&C Co. Co. Co. Co.
© 2010

5 255906 906553 5
FSC

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



Davidoff
MENTHOL



EST. 1845
Davidoff



Refreshing moments of rich
taste & aroma. A gift for your senses.

Davidoff
MENTHOL



UNTRACE
SAL
PROHIBITED



20
CIGARETTES

Davidoff
MENTHOL

"See Davidoff.com"

Davidoff
CLASSIC



Sophisticated moments of rounded taste & aroma. A gift for your senses.

Davidoff
CLASSIC

The Award

GENEVA-1920



50500 00153 B



Davidoff
CLASSIC



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

Manufactured under licence of Davidoff & Cie SA, Geneva

TP NC 630



Division of
Advertising Practices

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

April 18, 2014

Millie Lukose
Legal Counsel
Commonwealth Brands, Inc.
P.O. Box 407130
Fort Lauderdale, FL 33340-7130

Dear Ms. Lukose:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Commonwealth Brands, Inc.’s (“Commonwealth”) March 4, 2014 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Crowns, Davidoff, Fortuna, Gauloises, Gitanes, Malibu, Montclair, Raven, Riviera, SF, Sonoma, Tuscany, USA Gold, and West brands of cigarettes was approved on March 7, 2014.

By letter dated March 31, 2014, you now propose to modify the packaging for four 93 millimeter “Luxury Length” Box varieties of the Davidoff brand: Classic, Gold, Menthol, and Menthol Silver.

It appears that the health warnings on the modified packaging for the Davidoff brand submitted with your letter dated March 25, 2014 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission’s March 7, 2014 approval of Commonwealth’s plan for simultaneous display of the warnings on packaging for its cigarettes expires on March 6, 2015, or when the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

Please note that this letter is not an approval of any other design element, statement, or representation made on packaging or in advertising for Commonwealth’s cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Commonwealth’s packaging and advertising under the Family Smoking Prevention and Tobacco Control Act (“FSPTCA”) or any regulations that have been or might be promulgated by the Department of

¹ Commonwealth stated in its March 31, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

Millie Lukose
April 18, 2014
Page 2

Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

Very truly yours,


Mary K. Engle
Associate Director



A Division of Ho-Chunk, Inc.

April 10, 2014

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

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for Silver Cloud

Dear Ms. Engle:

Please find enclosed Rock River Manufacturing's (Rock River) submission of its warning plan for the Silver Cloud brand of cigarette which Rock River intends to begin to manufacture. In order to facilitate such manufacturing, Rock River submits this letter containing its plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 et. seq. (FCLAA).

I. PACKAGING

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

A. Warning Label Size and Location

Global Tobacco LLC (Global) received approval from the Federal Trade Commission (FTC) on July 19th, 2010 for its plan to advertise Silver Cloud brand of cigarettes and received its most recent approval for simultaneous display of the health warnings on packaging of certain styles of Silver Cloud brand on June 18, 2013. By Purchase Agreement dated November 22, 2013, Rock River acquired the Silver Cloud brand of cigarettes from Global.

Rock River seeks approval for the following brand styles of Silver Cloud brand:

1. Silver Cloud Red 100's Box
2. Silver Cloud Gold 100's Box
3. Silver Cloud Menthol 100's Box
4. Silver Cloud Menthol Gold 100's Box
5. Silver Cloud Silver 100's Box

Included with our letter of February 21, 2014 were samples of actual cartons and packages for the foregoing brand styles of Silver Cloud brand. The carton and package samples 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 packaging under Section 1333(b)(1) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Silver Cloud brand styles exactly as they appear on the samples that Rock River submitted with our letter of February 21, 2014.

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

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

Rock River's sales figures for the imported Seneca, Couture, and Opal brands for October 2012 through October 2013 by brand style by sticks are as follows:

Seneca Full Flavor Soft King		Sticks
Seneca Blue Soft King		Sticks
Seneca Silver Soft King		Sticks
Seneca Menthol Soft King		Sticks
Seneca Smooth Menthol Soft King		Sticks
Seneca Full Flavor Box King		Sticks
Seneca Medium Box King		Sticks
Seneca Blue Box King		Sticks
Seneca Silver Box King		Sticks
Seneca Menthol Box King		Sticks
Seneca Smooth Menthol Box King		Sticks
Seneca Non-Filter Box King		Sticks
Seneca Chill Box King		Sticks
Couture Slims Ruby Box		Sticks
Couture Slims Amethyst Box		Sticks
Couture Slims Diamond Box		Sticks
Couture Slims Sapphire Box		Sticks
Couture Slims Turquoise Box		Sticks
Couture Slims Aquamarine Box		Sticks
Seneca Full Flavor Soft 100's		Sticks
Seneca Blue Soft 100's		Sticks
Seneca Silver Soft 100's		Sticks

Seneca Menthol Soft 100's		Sticks
Seneca Smooth Menthol Soft 100's		Sticks
Seneca Extra Smooth Menthol Soft 100's		Sticks
Seneca Full Flavor Box 100's		Sticks
Seneca Blue Box 100's		Sticks
Seneca Silver Box 100's		Sticks
Seneca Medium Box 100's		Sticks
Seneca Menthol Box 100's		Sticks
Seneca Smooth Menthol Box 100's		Sticks
Seneca Extra Smooth Menthol Box 100's		Sticks
Seneca Full Flavor Box 120's		Sticks
Seneca Smooth Box 120's		Sticks
Seneca Ultra Box 120's		Sticks
Seneca Menthol Box 120's		Sticks
Seneca Smooth Menthol Box 120's		Sticks
Seneca Full Flavor 72's Box		Sticks
Seneca Blue 72's Box		Sticks
Seneca Menthol 72's Box		Sticks
Opal Full Flavor Box 120's		Sticks
Opal Smooth Box 120's		Sticks
Opal Ultra Smooth Box 120's		Sticks
Opal Menthol Box 120's		Sticks
Opal Menthol Smooth Box 120's		Sticks

Rock River has not sold Silver Cloud in the past. It anticipates that in fiscal year 2014 its sales volume of the Silver Cloud brand cigarettes listed herein will not exceed [REDACTED] sticks (i.e. [REDACTED] cartons containing [REDACTED] cigarettes each) for any single brand style.

Rock River will comply with the FCLAA by having its supplier for packaging for the Silver Cloud brand, Copac Inc., print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Silver Cloud brand an equal number of times during the one year period following the date of approval of this plan by the FTC. Rock River will keep records demonstrating compliance with this plan.

According to the foregoing formula, equalization per brand style is appropriate where (1) the company's prior fiscal year sales of that brand style were less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States in such year and (2) more than half of the cigarettes manufactured or imported by that company are packaged into brand styles that meet this low sales threshold.

Based on the lack of past sales by Rock River and anticipated future sales volume, it seems that each of the forgoing brand styles qualifies for warning label equalization as our sales of each brand style were less than one-fourth (1/4th) on one percent (1%) of all of the cigarettes sold in the United States.

C. Records of Compliance

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

II. Advertising

Rock River intends to follow the "Advertising" requirements of the FCLAA for the Silver Cloud brand.

Rock River requests approval for its advertising plan to cover print advertisements not to exceed ten square feet in size. Rock River will maintain compliance with this plan with respect to the "Advertising" requirements of the FCLAA, including a discussion of the warning label size and placement, and the warning label rotation.

A. Warning Label Size and Placement

The size of Rock River's advertisements will not exceed ten square feet. Rock River will use the warnings formats that were submitted by the five leading U.S. cigarette manufacturers with their 1985 plans and we will place the warnings as specified in those plans. Accordingly, for its advertising, Rock River proposes the quarterly rotation of warning labels in its advertisements set forth in the schedule below. We have and will use the copies of the acetates submitted by Global on October 28, 2009.

We currently do not intend to advertise Silver Cloud on our website. In future, if Rock River does advertise on a company website, it will submit its advertisement plans along with website details for FTC approval.

B. Warning Label Rotation

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

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

The schedule for quarterly rotation of the warnings in advertising is as follows:

	Silver Cloud
First Quarter (Jan. – March)	A
Second Quarter (Apr. – June)	B
Third Quarter (July – Sept.)	C
Fourth Quarter (Oct. – Dec.)	D

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,



Rock River Manufacturing
 Ben Fenner, Regulatory Compliance Officer
 401 9th St. NW
 Suite 700
 Washington, DC 20004

Selected packaging samples from those
submitted with the plan.

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



MENTHOL GOLD

100'S BOX
MADE IN U.S.A.

© 1998 Philip Morris Inc.
All rights reserved.
Printed in the U.S.A.



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FSC

SILVER CLOUD

100'S BOX MENTHOL GOLD

CGP



MENTHOL GOLD

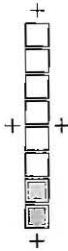
100'S BOX
MADE IN U.S.A.

CIGARETTES

SILVER CLOUD

M 2 3 4 5 6 7 8 9 10 11 12
Y 15 16 17

WN-B



SILVER CLOUD

100'S BOX MENTHOL GOLD

12

SILVER CLOUD

CIGARETTES

20

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Printed in the U.S.A.

RED

S.A.



GOLD

SILVER CLOUD

CIGARETTES

100'S BOX

MADE IN U.S.A.

WN - D

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

SILVER CLOUD

CIGARETTES

GOLD
100'S BOX

T.P. N.E. - 1 50100



CIGARETTES

100'S BOX

MADE IN U.S.A.



GOLD



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

Division of
Advertising Practices

April 21, 2014

Mr. Ben Fenner
Regulatory Compliance Officer
Rock River Manufacturing
401 9th St. N.W., Suite 700
Washington, DC 20004

Dear Mr. Fenner:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Rock River Manufacturing ("Rock River") on April 10, 2014, calling for: (1) quarterly rotation of the four health warnings in print advertising up to ten square feet in size for the Silver Cloud brand; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Silver Cloud brand of cigarettes.

Rock River's plan for rotation of the warnings in advertising up to ten square feet in size for the Silver Cloud brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Rock River's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Rock River's letter dated February 21, 2014 meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Rock River's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following five varieties of the Silver Cloud brand: Red 100's Box, Gold 100's Box, Menthol 100's Box, Menthol Gold 100's Box, and Silver 100's Box.

¹ Rock River stated in its April 10, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on February 21, 2014.

Mr. Ben Fenner
April 21, 2014
Page 2

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

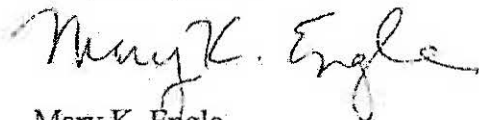
Please note that this letter only approves Rock River's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through April 20, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

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

*Six Nations Manufacturing
11359 Southwestern Blvd.
P.O. Box 377
Irving, NY 14081
Tele: 716-934-5130
Fax: 716-934-3189*

April 14, 2014

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for packaging and advertising of Stallion. The "Stallion" cigarette brand will be manufactured by J. Conrad Seneca, d.b.a. Six Nations Manufacturing. Upon approval of this plan, the manufacturer intends to manufacture these cigarettes under the authority of the Department Of The Treasury, Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-15033) and J. Conrad Seneca, d.b.a. Six Nations Manufacturing intends to market and sell the Stallion brands. The Buffalo, Gator, Senate, Native Pride and Bronco brands are the other brands we manufacture at this time. We do not import any other brands at this time. Six Nations Manufacturing letter dated May 3, 2013 for health warning statement plans for Buffalo, Gator and Senate was approved on May 16, 2013. Six Nations Manufacturing letter dated February 14, 2014 for health warning statement plans for Bronco and Native Pride was approved on February 18, 2014.

Stallion cigarettes will be manufactured in the following variety of styles:

- (1) Stallion Full Flavor Red Kings Box
- (2) Stallion Smooth Gold Kings Box
- (3) Stallion Menthol Kings Box
- (4) Stallion Full Flavor Red 100's Box
- (5) Stallion Smooth Gold 100's Box
- (6) Stallion Ultra Smooth Silver 100's Box
- (7) Stallion Menthol 100's Box

These cigarettes will 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 shown on the Stallion Full Flavor Red 100's packs submitted with this letter and on the packs and cartons exactly as shown on the samples submitted with the March 24, 2014 letter. Under Section 1333(c)(2) J. Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Stallion brand for the one year period beginning on the date of approval of this plan. We have attached "Schedule A" as our actual annual production volume by style for fiscal year 2013 and have attached "Schedule B" as an estimate for our annual production volume by style for fiscal year 2014.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing plans to use point of sales material to advertise the Stallion brands cigarettes to consumers and will not exceed 10 square feet in size. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will use the warning formats that were submitted with the 1985 plans of the five leading U.S. Cigarette Manufacturers and will place the warnings as specified in those plans. The warnings will be rotated quarterly according to Schedule C. Copies of the formats that will be used were submitted in our letter dated February 8, 2011 for the Senate and Gator Brands and were approved on February 23, 2011. Six Nations Manufacturing has no plans at this time to advertise the Stallion brand on the internet.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Conrad Seneca", written over a horizontal line.

J. Conrad Seneca, Owner

Enclosures

SCHEDULE A: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE A: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks:

(continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Totals	

SCHEDULE B: Estimated annual (1/1/2014 -12/31/2014) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE B: Estimated annual (1/1/2014 -12/31/2014) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride, Bronco and Stallion Cigarettes by style in sticks.
(continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Stallion Full Flavor Red King's Box	
Stallion Smooth Gold King's Box	
Stallion Menthol King's Box	
Stallion Full Flavor Red 100's Box	
Stallion Smooth Gold 100's Box	
Stallion Ultra Smooth Gold 100's Box	
Stallion Menthol 100's Box	
Totals	

Schedule C

Rotation Schedule for Advertising and Promotional Materials

Quarter	Buffalo	Senate	Gator	Native Pride	Bronco	Stallion
Q1 Jan - Mar	A	B	C	D	A	B
Q2 Apr - Jun	B	C	D	A	B	C
Q3 Jul - Sep	C	D	A	B	C	D
Q4 Oct - Dec	D	A	B	C	D	A

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

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

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

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

Selected packaging samples from those
submitted with the plan.

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

STALLION[®]

100's



Premium Filler Cigarettes



MADE IN U.S.A.

WESTERN HOLDINGS GROUP, LLC
www.stallionbrand.com

TP-NY-15033



FSC

6N-00509
PW

STALLION[®]

041903



Premium Filler Cigarettes



100's

STALLION[®]



STALLION[®]

16

UNDERAGE
SALE
PROHIBITED



CLASS A
• 20 •
CIGARETTES

HINGE-TOP BOX



Western Holdings Group, LLC
www.stallionbrand.com
TP-NY-15033

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

STALLION®

Premium Filter Cigarettes



STALLION

Premium Filter Cigarettes

STALLION®

Premium Filter Cigarettes



MADE IN U.S.A.

CLASS A
200
CIGARETTES

NO RETAIL SALE PROHIBITED



HINGE-TOP BOX



Division of
Advertising Practices

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

April 23, 2014

Mr. J. Conrad Seneca
Six Nations Manufacturing
11359 Southwestern Blvd.
P.O. Box 377
Irving, NY 14081

Dear Mr. Seneca:

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 J. Conrad Seneca d/b/a Six Nations Manufacturing ("Six Nations") on April 14, 2014, calling for: (1) quarterly rotation of the four health warnings in point-of-sale advertising up to ten square feet in size for the Stallion brand; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Stallion brand of cigarettes.

Six Nations' plan for rotation of the warnings in the aforementioned advertising for the Stallion brand of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Six Nations' 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 March 24 and April 14, 2014¹ appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

Accordingly, Six Nations' plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties of the Stallion brand of cigarettes: Full Flavor Red Kings Box, Smooth Gold Kings Box, Menthol Kings Box, Full Flavor Red 100's Box, Smooth Gold 100's Box, Ultra Smooth Silver 100's Box, and Menthol 100's Box.

¹ Six Nations stated in its April 14, 2014 letter that the four health warnings will continue to appear exactly as shown on the sample packs and cartons of the Stallion brand submitted on these dates.

Mr. J. Conrad Seneca
April 23, 2014
Page 2

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

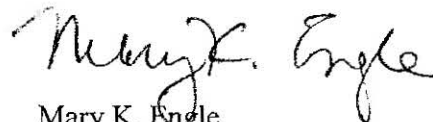
Please note that this letter only approves Six Nations' cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through April 22, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director

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

**LAW OFFICES OF
BARRY M. BOREN**

borenlaw@bellsouth.net

One Datan
9100 South Dadeland Boulevard
Suite 402
Miami, Florida 33156

Telephone
(305) 670-2200
Facsimile
(305) 670-5221

April 21, 2014

Sent by Fax to 202-326-2190 and Federal Express

Ms. Mary Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W., #NJ-3212
Washington, D.C. 20580

Attention: Ms. Bonnie McGregor

**Surgeon General's Health Warning Equalization Plan
for Everything Tobacco, LLC
for Seneca, Couture and Opal Cigarettes**

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, Everything Tobacco, LLC ("ET"), a Florida limited liability company with offices located at 7351 N.W. 35th Street, Miami, Florida 33122. ET wishes to file a Surgeon General's Health Warning Equalization Plan for the display of the health warnings on packaging for its Seneca, Couture and Opal brands of cigarettes as required by 15 U.S.C. §1333 for cigarettes they wish to import into the United States. The contact person for the company will be its Manager, Michael Vazquez, who can be reached at the above address. His telephone number is (305) 406-2305.

The brand styles of Seneca, Couture and Opal cigarettes ET intends to import are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons of the Seneca, Couture and Opal brands ET intends to import were enclosed with the Canadian Agricultural Depot, LLC ("CAD") submissions filed on the dates appearing in Exhibit "B" with the exception of the cartons for the Opal brand which were submitted by ET with their letters dated March 13, 2014 and April 8, 2014. The health warnings will continue to appear exactly as shown on the samples provided.

In fiscal year 2013¹, ET did not import any cigarettes. ET has not imported any cigarettes in fiscal year 2014 to date.² In fiscal year 2014, ET anticipates importing approximately [REDACTED] cigarettes of all its brand styles (all will be Seneca, Couture and Opal brand cigarettes).

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

As a small importer as defined by the Act, ET wishes to submit a plan to equalize the four health warning statements required by 15 U.S.C. §1333(c) for its Seneca, Couture and Opal brands. Each of the four warning statements will appear on the packs and cartons of each brand style of the Seneca, Couture and Opal brands of cigarettes imported by ET an equal number of times in the one year period beginning on the date this plan is approved.

The individual packs of Seneca, Couture and Opal cigarettes to be imported by ET will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer.

ET understands that the FTC is charged with ensuring that ET's Surgeon General's Health Warning Label Plan is complied with and, therefore, it agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

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

¹ ET's fiscal year coincides with the calendar year.

² In fiscal year 2013, CAD imported approximately [REDACTED] Seneca, Couture, and Opal brand cigarettes. CAD did not import or manufacture any other cigarette brands in fiscal year 2013. In fiscal year 2014 to date, CAD has imported approximately [REDACTED] Seneca, Couture, and Opal brand cigarettes. This information is being provided since CAD and ET will be operating with the same manager and operating from the same premises. After the approval of the plan, ET will be the primary importer of the products now being imported by CAD.

³ ET does not nor does it intend to import or manufacture any other cigarette brands in fiscal year 2014.

April 21, 2014
Page 3

four warnings is equalized on the packs and cartons for each brand style by the plan's anniversary date.

No provision of this plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, any State Government, or any instrumentality thereof.

ET does not plan to advertise Seneca, Couture and Opal brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB: md/encs.

EVERYTHING TOBACCO, LLC
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

Seneca Brand Styles

Full Flavor King Size Hard Pack
Blue King Size Hard Pack
Silver King size Hard Pack
Menthol King Size Hard Pack
Smooth Menthol King Size Hard Pack
Non-filter Full Flavor King Size Hard Pack

Full Flavor 100's Hard Pack
Blue 100's Hard Pack
Silver 100's Hard Pack
Menthol 100's Hard Pack
Smooth Menthol 100's Hard Pack
Extra Smooth Menthol 100's Hard Pack

Full Flavor 120's Hard Pack
Smooth 120's Hard Pack
Ultra 120's Hard Pack
Menthol 120's Hard Pack
Smooth Menthol 120's Hard Pack

Medium King Size Hard Pack
Medium 100's Hard Pack
Chill King Size Hard Pack

Full Flavor King Size Soft Pack
Blue King Size Soft Pack
Silver King Size Soft Pack
Menthol King Size Soft Pack
Smooth Menthol King Size Soft Pack

Full Flavor 100's Soft Pack
Blue 100's Soft Pack
Silver 100's Soft Pack
Menthol 100's Soft Pack
Smooth Menthol 100's Soft Pack

Full Flavor 72's Hard Pack
Blue 72's Hard Pack
Menthol 72's Hard Pack
Extra Smooth Menthol 100's Soft Pack

Couture Brand Styles

Ruby Slims King Size Hard Pack
Amethyst Slims King Size Hard Pack
~~Diamond Slims King Size Hard Pack~~
Aquamarine Slims King Size Hard Pack
Turquoise Slims King Size Hard Pack
Sapphire Slims King Size Hard Pack

Opal Brand Styles

Full Flavor Super Thins 120's Hard Pack
Smooth Super Thins 120's Hard Pack
Ultra Super Thins 120's Hard Pack
Menthol Super Thins 120's Hard Pack
Smooth Menthol Super Thins 120's Hard Pack

EXHIBIT "B"
EVERYTHING TOBACCO, LLC

BRAND

DATE[S] PACKAGING SUBMITTED TO FTC

Seneca

February 22, 2012, May 1, 2012
June 15, 2010, December 1, 2010
and December 1, 2011

Couture

February 22, 2012

Opal

February 22, 2012 (packs only) and
March 13, 2014 and April 8, 2014 (cartons only)

Selected packaging samples from those
submitted with the plan.

Full Flavor

Opal
120's

UNDERAGE SALE PROHIBITED

Opal
120's

Full Flavor
SUPER THINS

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

Opal
120's

MADE IN CANADA

54-TL-25



6 8 1467 00403 1



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

Division of
Advertising Practices

April 23, 2014

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Everything Tobacco, LLC (“ET”) on April 21, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture, and Opal brands of cigarettes.

ET’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 sent on behalf of Canadian Agricultural Depot, LLC (except as noted) on the following dates appear to continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date(s)</u>
Seneca	June 15, 2010 December 1, 2010 December 1, 2011 February 22, 2012 May 1, 2012

¹ Although the warnings on certain sample cartons submitted for the Seneca and Opal brands were not sufficiently conspicuous, corrected samples were subsequently submitted. 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.

<u>Brand</u>	<u>Date(s)</u>
Couture	February 22, 2012
Opal	February 22, 2012 (packs only) March 13, 2014 (cartons only) April 8, 2014 (cartons only)

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

- Thirty-four varieties of the Seneca brand: Full Flavor hard pack (Kings and 100's), Full Flavor soft pack (Kings and 100's), Blue hard pack (Kings and 100's), Blue soft pack (Kings and 100's), Silver hard pack (Kings and 100's), Silver soft pack (Kings and 100's), Menthol hard pack (Kings and 100's), Menthol soft pack (Kings and 100's), Smooth Menthol hard pack (Kings and 100's), Smooth Menthol soft pack (Kings and 100's), Extra Smooth Menthol 100's (hard pack and soft pack), Non-filter Full Flavor Kings hard pack, Full Flavor 120's hard pack, Smooth 120's hard pack, Ultra 120's hard pack, Menthol 120's hard pack, Smooth Menthol 120's hard pack, Medium hard pack (Kings and 100's), Chill Kings hard pack, Full Flavor 72's hard pack, Blue 72's hard pack, and Menthol 72's hard pack;
- Six "Slims" king size hard pack varieties of the Couture brand: Ruby, Amethyst, Diamond, Aquamarine, Turquoise, and Sapphire; and
- Five "Super Thins" 120's hard pack varieties of the Opal brand: Full Flavor, Smooth, Ultra, Menthol, and Smooth Menthol.

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

If ET 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 ET'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,

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

Barry Boren
April 23, 2014
Page 3

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

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

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

This approval is effective on the date of this letter and runs through April 22, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



April 15, 2014

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

Re: Premier Manufacturing, Inc. -Yearly compliance approval request

Dear Ms. Mary Engle:

We would like to request renewal for 1st Class Brand, Ultra Buy Brand, Shield Brand, and Wildhorse Brand. There are no changes in packaging for these Brands since our submission on May 18, 2012. The warnings will appear exactly as shown on the sample packs and cartons submitted with my May 9, 2011 letter.

Premier Manufacturing would like to continue to display the four health warnings an equal number of times on the packs and cartons for each brand style of the 1st Class, Ultra Buy, Shield and Wildhorse brands for the one-year period beginning on the date of approval of this plan. We will achieve equalization of the four warnings on the packs and cartons of each brand style by having all four warnings printed simultaneously at the time of both pack and carton print runs. Premier will keep records demonstrating compliance with the plan.

The four warnings that will be displayed are:

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

Premier will continue to comply with the advertising rotation plans previously filed for its brands on November 25, 2002, May 23, 2003 and July 16, 2003.



Our sales for the last fiscal year (calendar year 2013) did not exceed [REDACTED] sticks for any one brand style. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

Below are the Brand styles that we have previously had approved for the 1st Class, Ultra Buy, Shield and Wildhorse brands on May 20, 2013 that we intend to continue to manufacture. The warnings for these brand styles will appear exactly as they do on the sample packs and cartons submitted with my May 9, 2011 letter.

- ten varieties of the Shield Brand: Red Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Menthol Silver 100 Box, Silver Kings Box, Silver 100's Box, and Non Filter King soft pack;
- ten varieties of the Wildhorse Brand: Red Kings Box, Red 100's Box, Gold Kings Box, Gold 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, Silver King Box, Silver 100's Box, Menthol Silver 100's Box, and Non Filter King soft pack;
- fourteen varieties of the 1st Class Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box), and Non Filter King Soft Pack; and
- fourteen varieties of Ultra Buy Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box) and Non Filter King Soft Pack.

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

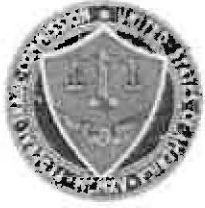
Please call me if you have any questions or require additional information.

Sincerely,

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

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

www.GoPremier.com



Division of
Advertising Practices

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

April 25, 2014

Ms. Terri Albright
Operations/ Compliance Manager
Premier Manufacturing, Inc.
17998 Chesterfield Airport Road
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Premier Manufacturing, Inc. ("Premier") dated April 15, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1st Class, Shield, Ultra Buy and Wildhorse brands of cigarettes.

Premier's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter dated May 9, 2011 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Fourteen varieties of the 1st Class Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box), and Non-Filter Kings Soft Pack;

¹ Premier stated in its April 15, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on May 9, 2011.

- Ten varieties of the Shield Brand: Red Box (Kings and 100's), Blue Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver Box 100's, and Non-Filter Kings Soft Pack;
- Fourteen varieties of the Ultra Buy Brand: Red Kings (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack and Box), Menthol Green Kings Box, Menthol Green 100's (Soft Pack and Box), Menthol Silver 100's Box, Silver 100's (Soft Pack and Box) and Non-Filter Kings Soft Pack; and
- Ten varieties of the Wildhorse Brand: Red Box (Kings and 100's), Gold Box (Kings and 100's), Menthol Green Box (Kings and 100's), Silver Box (Kings and 100's), Menthol Silver 100's Box, and Non-Filter Kings Soft Pack.

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

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

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

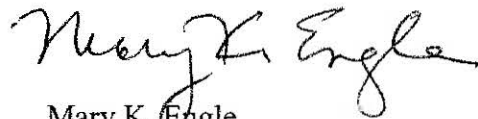
This approval is effective on the date of this letter and runs through April 24, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Ms. Terri Albright
April 25, 2014
Page 3

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle
Associate Director

NANCYELLEN KEANE
804.697.1272 telephone
804.698.5140 facsimile
nancyellen.keane@troutmansanders.com

TROUTMAN SANDERS

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Richmond, Virginia 23219
804.697.1200 telephone
troutmansanders.com

April 29, 2014

VIA FEDEX and E-MAIL

Ms. Mary Angle
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue NW
Mailstop CC-10528
Washington, DC 20580

**Cigarette Health Warning Plan for Firebird Manufacturing, LLC
PALMETTO and MJ brands**

Dear Ms. Angle:

On behalf of Firebird Manufacturing, LLC ("Firebird") I hereby submit a Surgeon General's Equalization Plan for Firebird as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended ("FCLAA"), for ten (10) styles of Palmetto brand, and four (4) styles of MJ brand. Firebird does not intend to sell the SEMINOLE brand in the future.

Firebird is manufacturer of the Palmetto and MJ brands. Scott D. Batson is COO. The location of the factory is at 1057 Bill Tuck Highway, South Boston, VA 24592. Firebird has not to date imported any cigarettes. Firebird does export cigarettes.

Firebird's 2013 fiscal year sales were [REDACTED] sticks including all domestic and export sales. Its sales in 2014 are anticipated to be [REDACTED] sticks including all domestic and export sales, which should qualify the company for the Section 1333(c)(2) exemption. Firebird's Plan for display of the warnings on the sample packs and cartons for Palmetto and MJ was submitted on April 11, 2013 and approved April 12, 2013.

1. Palmetto cigarettes are sold in ten soft pack brand styles. Firebird requests that the following ten (10) styles be included in the Plan:

Palmetto Red Kings, Palmetto Gold Kings, Palmetto Blue Kings, Palmetto Menthol Green Kings, Palmetto Menthol Gold Kings, Palmetto Red 100's, Palmetto Gold 100's, Palmetto Blue 100's, Palmetto Menthol Green 100's, Palmetto Menthol Gold 100's.

The warnings will appear exactly as shown on the sample packs and cartons of Palmetto packaging submitted with my letter of June 18, 2010.

TROUTMAN
SANDERS

Ms. Sallie Schools
April 29, 2014
Page 2

2. MJ brand cigarettes will be sold in two (2) soft pack and two (2) hard box brand styles. Firebird requests that the following four (4) styles be included in the Plan:

MJ Menthol Green 100's (Soft), MJ Menthol Gold 100's (Soft), MJ Menthol Green Kings Box, and MJ Menthol Gold Kings Box.

The warnings will appear exactly as shown on the sample packs and cartons for the MJ brand submitted with my February 4, 2011 letter.

Firebird agrees to equalize the display of the four health warnings on packs and cartons for each brand style of the Palmetto and MJ brands covered by this Plan for the one year period beginning on the date of approval of this Plan. Beginning on the date of approval of this Plan, Firebird will ensure that the printer will print all 4 warnings in equal numbers on each printed sheet of packaging for all cartons and packs, so when sheets are cut, the display of warnings will be approximately equalized on packs and cartons for each brand style. Based on the above, Firebird requests approval to use the rotation option provided in Section 1333(c)(2) of the FCLAA. We will keep records demonstrating compliance with this Plan.

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

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval of this request. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (804) 698-5140. Should you require any additional information with respect to the foregoing please contact me at (804) 697-1272 or on my cell phone (804) 350-2640.

Very truly yours,


Nancyellen Keane

Enclosures

cc: Scott D. Batson

Active 21957143v1



Division of
Advertising Practices

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

May 6, 2014

Nancyellen Keane, Esq.
Troutman Sanders LLP
1001 Haxall Point
P.O. Box 1122
Richmond, VA 23219

Dear Ms. Keane:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Firebird Manufacturing, LLC (“Firebird”) on April 29, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Palmetto and MJ brands of cigarettes.

Firebird’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Date</u>
Palmetto	June 18, 2010
MJ	February 4, 2011

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

- Ten soft pack varieties of the Palmetto brand: Red (Kings and 100's), Gold (Kings and 100's), Blue (Kings and 100's), Menthol Green (Kings and 100's), and Menthol Gold (Kings and 100's); and

¹ Firebird stated in its April 29, 2014 letter that the four health warnings will continue to appear exactly as shown on the packs and cartons submitted on these dates.

Nancyellen Keane, Esq.
May 6, 2014
Page 2

- Four varieties of the MJ brand: Menthol Green Kings Box, Menthol Green 100's soft pack, Menthol Gold Kings Box, and Menthol Gold 100's soft pack.

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

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

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

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

This approval is effective on the date of this letter and runs through May 5, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Nancyellen Keane, Esq.
May 6, 2014
Page 3

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

Very truly yours,

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

Mary K. Engle
Associate Director

LAW OFFICES OF
BARRY M. BOREN

One Datan
9100 South Dadeland Boulevard
Suite 402
Miami, Florida 33156

borenlaw@bellsouth.net

Telephone
(305) 670-2200
Facsimile
(305) 670-5221

April 22, 2014

Sent via email: bmcgregor@ftc.gov

Bonnie McGregor
Federal Trade Commission
600 Pennsylvania Ave. N.W.
Mail Drop NJ-3212
Washington DC 20580

Renewal of Surgeon General's Warning Rotation Plan for
Konci G & D Management Group (USA), Inc. for
Golden Deer Cigarettes

Dear Ms. McGregor:

Please be advised that we are the attorneys for a manufacturer¹ of tobacco products, Konci G & D Management Group (USA), Inc. ("Konci"), a New York corporation with offices located at 139 Centre Street, Suite 510, New York, New York 10013. Konci wishes to renew its existing equalization Surgeon General's Health Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Golden Deer." The contact person for the company will be its President, Dominic Chu, who can be reached at the above address. His telephone number is (646) 613-9393.

The brand styles of Golden Deer cigarettes Konci intends to manufacture are listed in the attachment at Exhibit "A." Actual samples of the packs and cartons for the various brand styles (listed in Exhibit "A") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Golden Deer brand Konci is manufacturing were enclosed with the original submission on April 23, 2012. The health warnings will continue to appear exactly as shown on the samples provided. The brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

In fiscal year 2013, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2014 to date, it has manufactured approximately

¹ Golden Deer will be manufactured by U.S. Flue-Cured Tobacco Growers, Inc. pursuant to a contract with Konci.

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

██████████ Golden Deer brand cigarettes. Konci anticipates manufacturing approximately ██████████ Golden Deer cigarettes in fiscal year 2014.

In addition to the Golden Deer cigarettes Konci is manufacturing in the United States, it also imports Chung Hwa brand cigarettes and Double Happiness brand cigarettes. In fiscal year 2013, Konci imported approximately ██████████ Chung Hwa and ██████████ Double Happiness brand cigarettes. In fiscal year 2014 to date, Konci has imported ██████████ Chung Hwa and ██████████ Double Happiness brand cigarettes. In fiscal year 2014, Konci anticipates importing approximately ██████████ Chung Hwa and ██████████ Double Happiness brand cigarettes.

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

As a small manufacturer as defined by the Act, Konci wishes to renew the plan to equalize the health warning statements as required by 15 U.S.C. §1333(c) for its Golden Deer brand. Each of the four warning statements will appear on the packs and cartons of each brand style of Golden Deer cigarettes manufactured by Konci an equal number of times in the one year period beginning on the date the renewal of this plan is approved and Konci will continue to maintain records demonstrating compliance with this plan.

The individual packs of Golden Deer cigarettes to be manufactured by Konci will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer.

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

Konci understands that the FTC is charged with ensuring that Konci's Surgeon General's Health Warning Label Rotation Plan is complied with and, therefore, it agrees to maintain records to demonstrate that they are in compliance with, and are properly implementing their plan.

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission

Page 3
April 22, 2014

No provision of this plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government, or any instrumentality thereof.

Konci does not plan to advertise the Golden Deer brand cigarettes at this time. If this should change, we will notify the FTC and modify the plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN


Barry M. Boren

BMB:md/enc.

KONCI G & D MANAGEMENT GROUP (USA) INC.
BRAND STYLES OF CIGARETTES
EXHIBIT "A"

GOLDEN DEER

Red King Size Box
Blue King Size Box
Silver King Size Box
Menthol Green King Size Box

Red 100's Box
Blue 100's Box
Silver 100's Box
Menthol Green 100's Box



Division of
Advertising Practices

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

May 16, 2013

Barry M. Boren, Esq.
One Datan
9100 South Dadeland Blvd., Suite 1809
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Konci G & D Management Group (USA), Inc. ("Konci") on April 25, 2013, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci'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 April 23, 2012 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100's), Blue (Kings and 100's), Silver (Kings and 100's), and Menthol Green (Kings and 100's).

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

If Konci decides to advertise the Golden Deer 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.

¹ Konci stated in its April 25, 2013 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on April 23, 2012.

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

Barry M. Boren, Esq.
May 16, 2013
Page 2

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

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

This approval is effective on the date of this letter and runs through May 15, 2014, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



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

Division of
Advertising Practices

May 12, 2014

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Konci G & D Management Group (USA), Inc. (“Konci”) on April 22, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Golden Deer brand of cigarettes.

Konci’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 April 23, 2012 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Konci’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Golden Deer brand: Red (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), and Menthol Green (Kings and 100’s).

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

If Konci decides to advertise the Golden Deer 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.

¹ Konci stated in its April 22, 2014 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on April 23, 2012.

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

Barry M. Boren, Esq.
May 12, 2014
Page 2

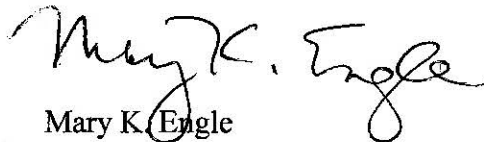
Please note that this letter only approves Konci's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness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

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

This approval is effective on the date of this letter and runs through May 11, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director

LAW OFFICES
SILVER, MCGOWAN & SILVER, P.C.

1612 K STREET, N.W. SUITE 1204
WASHINGTON, D.C. 20006

TEL: (202) 861-1200

FAX: (202) 861-1268

William J. McGowan

WJMcGowan@SMS-LawFirm.Com

May 7, 2014

Mary K. Engle
Associate Director
Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Stop CC-10528
Washington, DC 20580
Attn: Mr. Will Ducklow

Cigarette Health Warning Rotation Plan

Submitted on Behalf of Susan Jesmer d/b/a Native Trading Associates ("NTA")

Dear Ms Engle:

Susan Jesmer continues as a sole proprietor doing business as Native Trading Associates and the address for NTA and the location of its factory remains 442 Frogtown Road, Hogansburg, New York 13655. She can be contacted at 518-358-4262.

On behalf of our above referenced client, this firm hereby submits NTA's Surgeon General's Equalization Plan as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), et seq.), as amended, for Native brand soft pack and hard pack varieties and for Mohawk brand hard pack varieties.

NTA previously submitted its 2013 Native Packaging Plan on May 14, 2013 and your office approved the Plan on May 16, 2013. NTA previously submitted its 2012 Native Packaging Plan on June 7, 2012 and your office approved the Plan on June 8, 2012. NTA previously submitted its 2011 Native Packaging Plan on June 8, 2011 and

Ms Mary Engle
May 7, 2014
Page 2

your office approved the Plan on June 10, 2011. NTA previously submitted its 2010 Native Packaging Plan on August 17, 2010 and your office approved the Plan on August 17, 2010. Your office previously approved, on July 22, 2005, a cigarette health warning display plan for certain Native soft pack varieties which had been submitted on July 7, 2005. In addition, your office previously approved, on September 9, 2005, a cigarette health warning display plan for certain Native hard pack varieties which had been submitted on August 31, 2005. Your office also previously approved, on September 4, 2008, a cigarette health warning display plan for the Native non-filter king size hard pack and the Native non-filter king size soft pack varieties which had been submitted August 18, 2008. On June 21, 2010 NTA submitted a request to rename and repackage certain styles of Native brand soft pack and hard pack varieties and that request was approved by your office on June 21, 2010.

NTA's current approval to display the warnings on packaging expires May 15, 2014. NTA wishes to renew its plan for the 24 Native brand styles and six (6) Mohawk brand styles. NTA represents that the 24 Native brand cigarette styles and six (6) Mohawk brand styles listed in its May 14, 2013, plan have been equalized to this date. The cigarettes covered by this plan are the following U.S. manufactured Native brand style cigarettes, which will display health warnings complying with the Surgeon General warning language set forth in the statute:

- Native Full Flavor King Soft
- Native Full Flavor 100's Soft
- Native Full Flavor King hard pack
- Native Full Flavor 100's hard pack
- Native King Soft (Blue)*
- Native 100's Soft (Blue)*

Ms Mary Engle
May 7, 2014
Page 3

Native Menthol King Soft (Green)*
Native Menthol 100 Soft (Green)*
Native King Soft (Ultra in light blue packaging)*
Native 100's Soft (Ultra in light blue packaging)*
Native King hard pack (Blue)*
Native 100's hard pack (Blue)*
Native King hard pack (Ultra in light blue packaging)*
Native 100's hard pack (Ultra in light blue packaging)*
Native Menthol King hard pack (Green)*
Native Menthol 100's hard pack (Green)*
Native Menthol King Soft
Native Menthol 100's Soft

Native Menthol 100's hard pack
Native Menthol King hard pack
Native Non-Filter King hard pack
Native Non-Filter King soft pack
Native Select King hard pack
Native Select 100's hard pack

The FOUR (4) health warnings for the soft and hard pack Native full flavor in king and 100's and soft and hard pack Native menthol in king and 100's will appear exactly as they do on the packs submitted with our letter of August 2, 2010. For the non-filtered king sized soft and hard packs, the FOUR (4) health warnings for the packs will appear exactly as they do on the packs which were submitted to you with the March 24, 2008, letter. For the renamed and repackaged styles listed above and indicated with an asterisk, the FOUR (4) health warnings will appear exactly as they do on the packs that were submitted with my June 9, 2010 and May 22, 2010 letters to you. The FOUR (4) health warnings for the

cartons for all 24 styles covered by NTA's current Plan continue to appear exactly as they do on the cartons submitted with our August 2, 2010 letter. The FOUR (4) health warnings for the two (2) Native brand Select styles (Native Select King hard pack and Native Select 100's hard pack) will appear exactly as they appear on the pack and carton samples which were submitted with our March 28, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

In addition, NTA's Plan includes the following hard pack varieties of the brand Mohawk:

- Mohawk Full Flavor King Box (Red)
- Mohawk King Box (Gold)
- Mohawk King Box (Silver)
- Mohawk Menthol King Box (Green)
- Mohawk Menthol King Box (Light Green)
- Mohawk Non-Filter King Box (Brown)

The most recent plan for Mohawk was submitted on May 14, 2013 and was approved on May 16, 2013. Except for the Mohawk non-filter style, the FOUR (4) health warnings for the above noted new NTA "Mohawk" brand styles will appear exactly as they appear on the samples of pack and carton packaging which were submitted with our March 28, 2011, letter. The FOUR (4) health warnings for the Mohawk non-filter style will appear exactly as they appear on the pack and carton samples which were submitted with our April 8, 2011, letter. NTA will maintain records to demonstrate compliance with the Plan.

NTA's total sales figures for 2013 and projected sales figures for the Native and Mohawk brands for calendar year 2014 (NTA uses the calendar year as its fiscal year) are provided at Exhibit A. NTA does not manufacture or import any other brands. As shown in Exhibit A, each of the styles manufactured by NTA in 2013 were packaged into brand styles that met the requirements of the Cigarette Act with respect to warning equalization, (i.e., less than one quarter of one percent of all cigarettes sold in the United States) for the fiscal year and all of NTA brand styles are projected to meet the requirements for 2014. Based on the above, NTA requests continued approval to use the rotation option provided in Section 1333(c)(2). NTA will equalize the FOUR (4) health warnings on the packs and cartons for each style of the Native and Mohawk brands, for the one year period beginning on the date of approval of this Plan. The printing equalization plan for both Native and Mohawk brands is the same as that referenced in Exhibit B of NTA's May 14, 2013 letter to the Commission.

The required warnings will be printed directly on the packs and cartons and in a conspicuous location as required under the Federal Cigarette Labeling and Advertising Act ("FCLAA"). NTA will maintain records to demonstrate compliance with the approved Plan.

NTA's advertising plan for Mohawk brand was approved on June 10, 2011. NTA's advertising plan for the Native brand was approved on July 22, 2005. Modifications to the plan were approved by the FTC on October 8, 2009 and February 9, 2011. NTA will maintain compliance with its approved advertising plans.

Ms Mary Engle
May 7, 2014
Page 6

Please contact me at any time with questions or any other requests.

Very truly yours,

SILVER, MCGOWAN & SILVER, P.C.

A handwritten signature in black ink, appearing to read "William J. McGowan", written over the printed name of the law firm.

By: William J. McGowan

Native Trading Associates Sales by Item Summary January through December 2013

	<u>Jan - Dec 2013</u>		<u>Jan - Dec 2014 - Projected</u>	
	Qty (60 ctn cases)	Sticks	Qty (60 ctn cases)	Sticks
Full Flavor (NATIVE Full Flavor)				
Full Flavor 100's (NATIVE Full Flavor 100's)				
Full Flavor 100's Box (NATIVE Full Flavor 100's Box)				
Full Flavor Box (NATIVE Full Flavor Box)				
Blue (NATIVE Blue)				
Blue 100's (NATIVE Blue 100's)				
Blue 100's Box (NATIVE Blue 100's Box)				
Blue Box (NATIVE Blue Box)				
Menthol (NATIVE Menthol)				
Menthol 100's (NATIVE Menthol 100's)				
Menthol 100's Box (NATIVE Menthol 100's Box)				
Menthol Box (NATIVE Menthol Box)				
Menthol Blue (NATIVE Menthol Blue)				
Menthol Blue 100's (NATIVE Menthol Blue 100's)				
Menthol Blue 100's Box (NATIVE Menthol Blue 100's Box)				
Menthol Blue Boxes (NATIVE Menthol Blue Box)				
Mohawk Full Flavor Box (Mohawk Full Flavor Box)				
Mohawk Gold Box (Mohawk Gold Box)				
Mohawk Menthol Box (Mohawk Menthol Box)				
Mohawk Menthol Gold Box (Mohawk Menthol Gold Box)				
Mohawk Non-Filter Box (Mohawk Non-Filter Box)				
Mohawk Ultra Box (Mohawk Ultra Box)				
Non-Filter (Native)				
Non-Filter/Box (Native)				
Selects 100 Box (Selects 100 Box)				
Selects Box (Selects Box)				
Ultra (NATIVE Ultra)				
Ultra 100's (NATIVE Ultra 100's)				
Ultra 100's Box (NATIVE Ultra 100's Box)				
Ultra Box (NATIVE Ultra Box)				

Exp. 1/14/14

Native Trading Associates Sales by Item Summary January through December 2013

Full Flavor (NATIVE Full Flavor)
Full Flavor 100's (NATIVE Full Flavor 100's)
Full Flavor 100's Box (NATIVE Full Flavor 100's Box)
Full Flavor Box (NATIVE Full Flavor Box)
Blue (NATIVE Blue)
Blue 100's (NATIVE Blue 100's)
Blue 100's Box (NATIVE Blue 100's Box)
Blue Box (NATIVE Blue Box)
Menthol (NATIVE Menthol)
Menthol 100's (NATIVE Menthol 100's)
Menthol 100's Box (NATIVE Menthol 100's Box)
Menthol Box (NATIVE Menthol Box)
Menthol Blue (NATIVE Menthol Blue)
Menthol Blue 100's (NATIVE Menthol Blue 100's)
Menthol Blue 100's Box (NATIVE Menthol Blue 100's Box)
Menthol Blue Boxes (NATIVE Menthol Blue Box)
Mohawk Full Flavor Box (Mohawk Full Flavor Box)
Mohawk Gold Box (Mohawk Gold Box)
Mohawk Menthol Box (Mohawk Menthol Box)
Mohawk Menthol Gold Box (Mohawk Menthol Gold Box)
Mohawk Non-Filter Box (Mohawk Non-Filter Box)
Mohawk Ultra Box (Mohawk Ultra Box)
Non-Filter (Native)
Non-Filter/Box (Native)
Selects 100 Box (Selects 100 Box)
Selects Box (Selects Box)
Ultra (NATIVE Ultra)
Ultra 100's (NATIVE Ultra 100's)
Ultra 100's Box (NATIVE Ultra 100's Box)
Ultra Box (NATIVE Ultra Box)



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

Division of
Advertising Practices

May 14, 2014

William J. McGowan, Esq.
Silver, McGowan & Silver, P.C.
1612 K Street, NW
Suite 1204
Washington, DC 20006

Dear Mr. McGowan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Susan Jesmer d/b/a Native Trading Associates ("NTA") on May 7, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Native and Mohawk brands of cigarettes.

NTA's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:¹

<u>Brand</u>	<u>Submission Date(s)</u>
Native	March 24, 2008 May 22, 2010 June 9, 2010 August 2, 2010 March 28, 2011
Mohawk	March 28, 2011 April 8, 2011

¹ NTA stated in its May 7, 2014 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on these dates.

Accordingly, NTA's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:²

- Twenty-four varieties of the Native brand: Non-Filter Kings (soft pack and hard pack), Full Flavor soft pack (Kings and 100's), Full Flavor hard pack (Kings and 100's), Menthol soft pack (Kings and 100's), Menthol hard pack (Kings and 100's), Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack (Green), Menthol 100's soft pack (Green), Menthol Kings hard pack (Green), Menthol 100's hard pack (Green), Kings soft pack (Ultra in light blue packaging), 100's soft pack (Ultra in light blue packaging), Kings hard pack (Ultra in light blue packaging), 100's hard pack (Ultra in light blue packaging), and Select hard pack (King and 100's); and
- Six Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Light Green), and Non-Filter Kings (Brown).

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

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

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's May 7, 2014 letter do not always appear on the packaging – e.g., the words "Blue," "Green," "Ultra," "Red," "Gold," "Silver," "Light Green," and "Brown" do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Green)" and "Mohawk Menthol (Light Green)" varieties.

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

Mr. William J. McGowan
May 14, 2014
Page 3

since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through May 13, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with a large initial "M" and "E".

Mary K. Engle
Associate Director



Liggett Group

John R. Long
Vice President & General Counsel

Tel 919-990-3516
Fax 919-990-3505
jlong@lvbrands.com

May 12, 2014

BY FEDEX

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

Re: Application to Renew Liggett Group Cigarette Warning Rotation Plan

Dear Ms. Engle:

Liggett Group LLC ("Liggett") hereby applies to renew its Label Statement Rotation Plan ("Plan") pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* ("Act"). Except for three styles of the PYRAMID brand as discussed below (which are subject to quarterly warning rotation), Liggett is applying for simultaneous rotation of the four warnings required by the Act, to be implemented in accordance with Section 2(d) of the Plan, as originally approved by the Federal Trade Commission ("FTC") on September 19, 1985.

Liggett's current rotation plan was approved by the FTC by letter dated May 31, 2013 and will expire on May 30, 2014. Liggett requests renewal of its Plan with respect to all brand styles of the following brands: BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the three brand styles identified below), and TOURNEY as listed on Exhibit B of my enclosed affidavit. This application is for a one-year period beginning on the date of approval of this application. Liggett [REDACTED] of the MONTEGO brand in 2013 because the brand was dedicated to a particular customer and the customer ceased buying the brand in 2012. Liggett is not, however, discontinuing the brand and has [REDACTED] in 2014. In addition, this will confirm that Liggett has discontinued the following brand styles, [REDACTED] of these brand styles in 2013, and is not requesting renewal of its plan for these brand styles:

BRONSON	Non-Filter Kings Soft Pack
BRONSON	Full Flavor Filter Kings Soft Pack
BRONSON	Full Flavor Filter 100's Soft Pack
BRONSON	Gold Kings Soft Pack
BRONSON	Gold 100's Soft Pack

BRONSON Silver Kings Soft Pack
BRONSON Full Flavor Menthol Kings Soft Pack
BRONSON Gold Menthol Kings Soft Pack

GRAND PRIX Non-Filter Classic Kings Soft Pack
GRAND PRIX Filter Red Kings Soft Pack
GRAND PRIX Blue Kings Soft Pack

LIGGETT SELECT Non-Filter Kings Soft Pack
LIGGETT SELECT Red Kings Soft Pack
LIGGETT SELECT Gold Kings Soft Pack

PYRAMID Non-Filter Kings Soft Pack

TOURNEY Non-Filter Kings Soft Pack
TOURNEY Full Flavor Kings Soft Pack
TOURNEY Gold Kings Soft Pack
TOURNEY Menthol Gold Kings Soft Pack

CLASS A Non-Filter Kings Soft Pack
CLASS A Full Flavor Kings Soft Pack
CLASS A Filter Kings Soft Pack
CLASS A Menthol Filter Kings Soft Pack
CLASS A Blue Kings Soft Pack

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

Three Liggett brand styles no longer qualify for simultaneous warning rotation because their unit sales volume in Liggett's most recent fiscal year (calendar year 2013) exceeded one-quarter of one percent of the total United States cigarette market. These brand styles are as follows: PYRAMID Red Kings Box, PYRAMID Red 100s Box, and PYRAMID Blue 100s Box. Liggett's plan for quarterly rotation of the four warnings on packaging for the PYRAMID Red 100s Box and PYRAMID Blue 100s Box styles was approved by letter dated June 10, 2011, for the PYRAMID Red Kings Box style was approved by letter dated June 29, 2012.

Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year (calendar year 2013).

This information shows that, with the exceptions of the three PYRAMID brand styles identified above, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2013, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the three PYRAMID brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

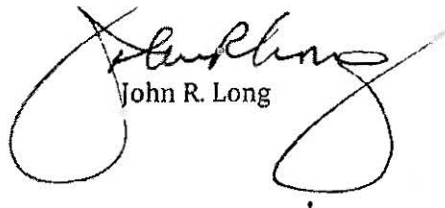
Except for the three PRYAMID brand styles identified above that will be subject to quarterly warning rotation, the warnings required by the Act will be printed on the packs and cartons of all other Liggett brand styles an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the most recent sample packaging previously submitted in connection with Liggett's Plan and subsequent letters as previously approved by the FTC.

This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

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

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

Very truly yours,



John R. Long

Exhibit B

Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated May 12, 2014

2013 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2013 Units Sold
1	BRONSON	Silver 100's Box	
2	BRONSON	Silver 100's Soft Pack	
3	BRONSON	Silver Kings Box	
4	BRONSON	Full Flavor Menthol 100's Box	
5	BRONSON	Full Flavor Menthol 100's Soft Pack	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold 100's Box	
8	BRONSON	Gold Kings Box	
9	BRONSON	Full Flavor Filter 100's Box	
10	BRONSON	Full Flavor Filter Kings Box	
11	BRONSON	Gold Menthol 100's Box	
12	BRONSON	Gold Menthol 100's Soft Pack	
13	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Blue 100's Box	
2	CLASS A	Blue 100's Soft Pack	
3	CLASS A	Filter 100's Box	
4	CLASS A	Filter 100's Soft Pack	
5	CLASS A	Filter Kings Box	
6	CLASS A	Non-Filter Kings Box	
7	CLASS A	Full Flavor Filter 100's Box	
8	CLASS A	Full Flavor Filter 100's Soft Pack	
9	CLASS A	Menthol Filter 100's Box	
10	CLASS A	Menthol Filter 100's Soft Pack	
11	CLASS A	Menthol Filter Kings Box	
12	CLASS A	Menthol Silver 100's Box	
13	CLASS A	Menthol Silver 100's Soft Pack	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Menthol Emerald 120's Box	
3	EVE	Sapphire 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Blue 100s Box	
2	GRAND PRIX	Blue 100s Soft Pack	
3	GRAND PRIX	Blue Kings Box	
4	GRAND PRIX	Menthol Gold 100s Box	
5	GRAND PRIX	Menthol Gold Kings Box	
6	GRAND PRIX	Non-Filter Classic Kings Box	
7	GRAND PRIX	Orange 100s Box	
8	GRAND PRIX	Orange 100s Soft Pack	
9	GRAND PRIX	Filter Red 100s Box	
10	GRAND PRIX	Filter Red 100s Soft Pack	
11	GRAND PRIX	Filter Red Kings Box	
12	GRAND PRIX	Menthol Silver 100s Box	
13	GRAND PRIX	Menthol Silver 100s Soft Pack	
	TOTAL GRAND PRIX		

	Brand	Current Brand Style Name	2013 Units Sold
1	LIGGETT SELECT	Menthol Gold 100's Box	
2	LIGGETT SELECT	Menthol Gold Kings Box	
3	LIGGETT SELECT	Gold 100's Box	
4	LIGGETT SELECT	Gold 100's Soft Pack	
5	LIGGETT SELECT	Gold Kings Box	
6	LIGGETT SELECT	Non-Filter Kings Box	
7	LIGGETT SELECT	Red 100's Box	
8	LIGGETT SELECT	Red 100's Soft Pack	
9	LIGGETT SELECT	Red Kings Box	
10	LIGGETT SELECT	Menthol Silver 100's Box	
11	LIGGETT SELECT	Menthol Silver 100's Soft Pack	
12	LIGGETT SELECT	Menthol Silver Kings Box	
13	LIGGETT SELECT	Silver 100's Box	
14	LIGGETT SELECT	Silver 100's Soft Pack	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Full Flavor Kings Box	
2	MONTEGO	Full Flavor 100's Box	
3	MONTEGO	Gold Kings Box	
4	MONTEGO	Gold 100's Box	
5	MONTEGO	Blue 100's Box	
6	MONTEGO	Menthol Kings Box	
7	MONTEGO	Menthol Silver Kings Box	
8	MONTEGO	Menthol Silver 100's Box	
	TOTAL MONTEGO		
1	PYRAMID	Blue 100s Box	
2	PYRAMID	Blue Kings Box	
3	PYRAMID	Menthol Gold 100s Box	
4	PYRAMID	Menthol Gold Kings Box	
5	PYRAMID	Non-Filter Kings Box	
6	PYRAMID	Orange 100s Box	
7	PYRAMID	Orange Kings Box	
8	PYRAMID	Red 100s Box	
9	PYRAMID	Red Kings Box	
10	PYRAMID	Menthol Silver 100s Box	
11	PYRAMID	Menthol Silver Kings Box	
	TOTAL PYRAMID		
1	TOURNEY	Blue 100's Box	
2	TOURNEY	Blue 100's Soft Pack	
3	TOURNEY	Menthol Full Flavor 100's Box	
4	TOURNEY	Menthol Full Flavor Kings Box	
5	TOURNEY	Gold 100's Box	
6	TOURNEY	Menthol Gold 100's Box	
7	TOURNEY	Gold 100's Soft Pack	
8	TOURNEY	Menthol Gold 100's Soft Pack	
9	TOURNEY	Gold Kings Box	
10	TOURNEY	Menthol Gold Kings Box	
11	TOURNEY	Non-Filter Kings Box	
12	TOURNEY	Full Flavor 100's Box	
13	TOURNEY	Full Flavor 100's Soft Pack	
14	TOURNEY	Full Flavor Kings Box	
15	TOURNEY	Slims Blue 120's Box	
16	TOURNEY	Slims Rose 120's Box	
17	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

May 22, 2014

John R. Long, Esq.
Vice President & General Counsel
Liggett Group LLC
100 Maple Lane
Mebane, NC 27302

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Group LLC ("Liggett") on May 12, 2014 calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Bronson	March 2, 2006 May 4, 2010 June 2, 2010 September 21, 2010 October 13, 2011 January 29, 2013

¹ The Pyramid Red Box (Kings and 100's) and Pyramid Blue 100's Box varieties are subject to quarterly rotation, which does not require annual approval.

² Liggett stated in its May 12, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

Class A	February 7, 2000 May 4, 2010 October 13, 2011 January 29, 2013
Eve	May 4, 2010
Grand Prix	May 4, 2010 October 13, 2011
Liggett Select	May 4, 2010 June 2, 2010 October 13, 2011
Montego	April 3, 2006 May 4, 2010 June 2, 2010
Pyramid	May 4, 2010 February 23, 2011
Tourney	November 30, 2005 May 4, 2010 October 13, 2011 January 29, 2013

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

- Thirteen varieties of the Bronson brand: Full Flavor Kings Box, Full Flavor 100's Box, Full Flavor Menthol Kings Box, Full Flavor Menthol 100's (Soft Pack and Box), Gold Kings Box, Gold 100's Box, Silver Kings Box, Silver 100's (Soft Pack and Box), Gold Menthol Kings Box, and Gold Menthol 100's (Soft Pack and Box);
- Thirteen varieties of the Class A brand: Non-Filter Kings Box, Full Flavor 100's (Soft Pack and Box), Filter Kings Box, Filter 100's (Soft Pack and Box), Menthol Filter Kings Box, Menthol Filter 100's (Soft Pack and Box), Blue 100's (Soft Pack and Box), and Menthol Silver 100's (Soft Pack and Box);
- Four Box varieties of the Eve brand: Amethyst 120's, Sapphire 120's, Menthol Emerald 120's, and Menthol Turquoise 120's;
- Thirteen varieties of the Grand Prix brand: Non-Filter Classic Kings Box, Filter Red Kings Box, Filter Red 100's (Soft Pack and Box), Blue Kings Box, Blue 100's (Soft Pack

and Box), Orange 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), and Menthol Silver 100's (Soft Pack and Box);

- Fourteen varieties of the Liggett Select brand: Non-Filter Kings Box, Red Kings Box, Red 100's (Soft Pack and Box), Gold Kings Box, Gold 100's (Soft Pack and Box), Silver 100's (Soft Pack and Box), Menthol Gold Box (Kings and 100's), Menthol Silver Kings Box, and Menthol Silver 100's (Soft Pack and Box);
- Eight Box varieties of the Montego brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), Blue 100's, Menthol Kings, and Menthol Silver (Kings and 100's);
- Eight Box varieties of the Pyramid brand: Non-Filter Kings, Blue Kings, Orange (Kings and 100's), Menthol Gold (Kings and 100's), Menthol Silver (Kings and 100's); and
- Seventeen varieties of the Tourney brand: Non-Filter Kings Box, Full Flavor Kings Box, Full Flavor 100's (Soft Pack and Box), Gold Kings Box, Gold 100's (Soft Pack and Box), Blue 100's (Soft Pack and Box), Menthol Full Flavor Box (Kings and 100's), Menthol Gold Kings Box, Menthol Gold 100's (Soft Pack and Box), Slims Rose 120's Box, Slims Blue 120's Box, and Slims Menthol Teal 120's Box.

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

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

Please note that this letter only approves Liggett's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on Liggett'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 Liggett's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Liggett's packaging and advertising under the 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,

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

John R. Long, Esq.
May 22, 2014
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since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

This approval is effective on the date of this letter and runs through May 21, 2015, 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,

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

Mary K. Engle
Associate Director

Beedies LLC

1549 Shadow Oaks Road

Kissimmee Fl 34744

Ph. 407 893 3200

Or 407 738 6187

Fax 407 540 9559

TTB Permit# FL-TI-15119

13 May 2014

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

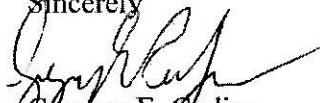
Dear Madam,

I am requesting renewal of the **Health Warning Statement Rotation Plan for Mangalore Ganesh Beedies 501 (MGB 501)**, brand style beedi cigarette (soft cone pack) in the United States of America. This is the only brand style manufactured by Mangalore Ganesh Beedies Works located in Mysore India and the only brand style of cigarettes Beedies LLC imports. No changes were made to the packaging. If in the future, a decision is made to import different brands, a separate request will be submitted at that time.

██████████ were made within the **continental USA** during Fy13. However sales were made in the **United States Virgin Islands (USVI)** during the period, 1 January 2013 to 30 April 2014 a total of ██████████ MGB 501 sticks. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed with my letter dated April 28 2010. We will display the four health warnings an equal number of times on the packs and cartons by printing the four health warnings simultaneously in equal numbers at the time of both the pack and carton print runs for the MGB 501 brand. We will keep records demonstrating compliance with this plan. We do not anticipate sales to exceed ██████████ sticks of the MGB 501 Brand style for the continental USA and all its territories, we import for Fy14.

We do not intend to advertise **MGB 501** at this time. However if we decide to advertise in the future, we will submit an advertising plan to the FTC before.

Sincerely


Gregory E. Cudjoe
President and Owner



Division of
Advertising Practices

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

May 22, 2014

Mr. Gregory E. Cudjoe
President and Owner
Beedies LLC
1549 Shadow Oaks Road
Kissimmee, FL 34744

Dear Mr. Cudjoe:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Beedies LLC on May 13, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for one variety of the Mangalore Ganesh Beedies 501 brand of cigarettes.

Beedies LLC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the health warnings on the sample packs and cartons submitted with your letter dated April 28, 2010 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Beedies LLC's plan for simultaneous display of the four health warnings on packaging for the Mangalore Ganesh Beedies 501 brand (cone shaped packs) is hereby approved.

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

¹ Although some of the warnings on the sample packs and cartons previously submitted contained spelling or punctuation errors, or were not sufficiently conspicuous, corrected samples were submitted on April 28, 2010. Beedies LLC stated in its May 13, 2014 letter that the four health warnings will continue to appear exactly as shown on the corrected samples submitted on April 28, 2010.

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

Mr. Gregory E. Cudjoe
May 22, 2014
Page 2

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

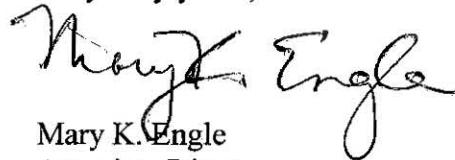
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through May 21, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



May 21st, 2014

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

Re: Plan for Compliance with the Federal Cigarette Labeling and Advertising Act for Global Classic, Patriot, Global Fiesta cigarettes

Dear Ms. Engle:

Global Tobacco LLC received approval from you on June 18th, 2013 to equalize the Surgeon General's Warning's on packaging of certain styles of Global Classic, Patriot and Global Fiesta brand. We now want to renew our plan by submitting this letter on the approved Global Classic, Patriot and Global Fiesta brand of cigarettes. In order to facilitate such manufacturing, we submit this letter containing our plan for compliance with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et. seq.* (the "FCLAA").

As a preliminary matter, we currently hold a permit to manufacture cigarettes (TP-TX-15001) at our principal place of business located at 2861 Congressman Ln, Suite 300, Dallas, TX 75220.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLA, including a discussion of the warning label size and location, the warning label rotation and records of compliance.

A. Warning Label Size and Location

Please note that Global Tobacco LLC no longer carries Silver Cloud Brand of Cigarettes and the leftover packaging material was completely discarded at the end of year 2013.

We plan to renew our plan on the following brands:

1. Global Classic
2. Patriot
3. Global Fiesta



The following are the brand styles of the Global Classic Brand:

1. Global Classic Red /100's/ Box
2. Global Classic Gold /100's/Box
3. Global Classic Menthol /100's/Box
4. Global Classic Menthol Gold /100's/Box
5. Global Classic Silver /100's/Box
6. Global Classic Red /Kings/Box
7. Global Classic Gold /Kings/Box
8. Global Classic Menthol /Kings/Box
9. Global Classic Red/100's/Soft
10. Global Classic Gold/100's/Soft
11. Global Classic Menthol/100's/Soft
12. Global Classic Menthol Gold/100's/Soft
13. Global Classic Silver/100's/Soft
14. Global Classic Red /Kings/Soft
15. Global Classic Gold /Kings/Soft
16. Global Classic Menthol /Kings/Soft

The following are the brand styles of the Patriot Brand:

1. Patriot Red /100's/Soft
2. Patriot Gold /100's/Soft
3. Patriot Menthol /100's/Soft
4. Patriot Menthol Gold /100's/Soft
5. Patriot Silver /100's/Soft
6. Patriot Red /Kings/Soft
7. Patriot Gold /Kings/Soft
8. Patriot Menthol /Kings/Soft

The following are the brand styles of the Global Fiesta Brand:

1. Global Fiesta Red/100's/Box
2. Global Fiesta Gold/100's/Box
3. Global Fiesta Menthol/100's/Box
4. Global Fiesta Menthol Gold/100's/Box
5. Global Fiesta Silver/100's/Box
6. Global Fiesta Red/Kings/Box
7. Global Fiesta Gold/Kings/Box
8. Global Fiesta Menthol/Kings/Box



Included with our letter dated May 13, 2010 and June 17, 2010 were samples of actual cartons and packages for certain styles of Global Classic, Patriot and Global Fiesta brands. The carton and package samples have been 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 packaging under Section 1333(b)(1) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing brand styles exactly as they appear on the samples that we submitted to FTC which meet the requirements of the cigarette act.

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

Through the date of this application, the Surgeon General's warning on the packages for the brand styles of Global Classic, Patriot and Global Fiesta brands have been equalized in accordance with the plan. I wish to employ the option for warning label equalization provided for in Section 1332(c)(2) of the FCLAA and display the four required warning labels an equal number of times on the packages and cartons of each of the foregoing brand styles for the one year period beginning on the date of approval of this plan.

As you are no doubt aware, Section 1332(c)(2) allows a cigarette manufacturer or importer to display the four warnings an equal number of times during the year on a brand style's packaging if the company's annual sales of that brand style are less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States and more than half the cigarettes manufactured or imported by that company are packaged into brand styles that meet this threshold. Total sales for all brand styles for fiscal year 2013 were [REDACTED] sticks. The following is the actual sales volume for the fiscal year 2013 and we anticipate more or less the same for the calendar year 2014. Global Tobacco's fiscal year is same as the calendar year.

1.	Global Classic Red /100's/ Box	[REDACTED]	Sticks
2.	Global Classic Gold /100's/Box	[REDACTED]	Sticks
3.	Global Classic Menthol /100's/Box	[REDACTED]	Sticks
4.	Global Classic Menthol Gold /100's/Box	[REDACTED]	Sticks
5.	Global Classic Silver /100's/Box	[REDACTED]	Sticks
6.	Global Classic Red /Kings/Box	[REDACTED]	Sticks
7.	Global Classic Gold /Kings/Box	[REDACTED]	Sticks
8.	Global Classic Menthol /Kings/Box	[REDACTED]	Sticks
9.	Global Classic Red/100's/Soft	[REDACTED]	Sticks
10.	Global Classic Gold/100's/Soft	[REDACTED]	Sticks
11.	Global Classic Menthol/100's/Soft	[REDACTED]	Sticks
12.	Global Classic Menthol Gold/100's/Soft	[REDACTED]	Sticks
13.	Global Classic Silver/100's/Soft	[REDACTED]	Sticks



www.globaltobaccoflc.com

14.	Global Classic Red /Kings/Soft		Sticks
15.	Global Classic Gold /Kings/Soft		Sticks
16.	Global Classic Menthol /Kings/Soft		Sticks
Total actual sales of Global Classic Brand			Sticks

1.	Patriot Red /100's/Soft		Sticks
2.	Patriot Gold /100's/Soft		Sticks
3.	Patriot Menthol /100's/Soft		Sticks
4.	Patriot Menthol Gold /100's/Soft		Sticks
5.	Patriot Silver /100's/Soft		Sticks
6.	Patriot Red /Kings/Soft		Sticks
7.	Patriot Gold /Kings/Soft		Sticks
8.	Patriot Menthol /Kings/Soft		Sticks
Total actual sales of Patriot Brand			Sticks

1.	Global Fiesta Red/100's/Box		Sticks
2.	Global Fiesta Gold/100's/Box		Sticks
3.	Global Fiesta Menthol/100's/Box		Sticks
4.	Global Fiesta Menthol Gold/100's/Box		Sticks
5.	Global Fiesta Silver/100's/Box		Sticks
6.	Global Fiesta Red/Kings/Box		Sticks
7.	Global Fiesta Gold/Kings/Box		Sticks
8.	Global Fiesta Menthol/Kings/Box		Sticks
Total actual sales of Global Fiesta Brand			Sticks

According to the foregoing formula, equalization per brand style is appropriate where (1) the company's annual sales of that brand style were less than one-fourth (1/4th) of one percent (1%) of all of the cigarettes sold in the United States in the previous fiscal year and (2) more than half of the cigarettes manufactured or imported by that company are packaged into brand styles that meet this low sales threshold.



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

I will ensure that all four of the required warnings shall be equally displayed on the packs and cartons of each brand style for the coming year by equalizing the use of each warning within each shipment of each brand style such that 25% of the packs and cartons shipped per shipment per brand style will display one of the four required warnings. As set forth below, I shall cause appropriate records to be maintained demonstrating that the four required warnings are equally placed on the packs and cartons of the foregoing brand styles.

C. Records of Compliance

I represent that I will maintain records demonstrating compliance with this plan at my principal place of business.

II. ADVERTISING

Global Tobacco, LLC intends to follow the "Advertising" requirements of the FCLAA.

On November 4th, 2009 you approved Global Tobacco Company's plan for advertising for the Global Classic brand and on July 19th, 2010 you approved plan for advertising for the Patriot, Silver Cloud and Global Fiesta brands. This plan covers print advertisement not to exceed ten square feet in size. Although we no longer advertise the Silver Cloud brand, we will maintain compliance with this plan with respect to the "Advertising" requirements of the FCLAA, including a discussion of the warning label size and placement, and the warning label rotation.

A. Warning Label Size and Placement

The size of our advertisements will not exceed ten square feet. We will use the warnings formats that were submitted by the five leading U.S. cigarette manufacturers with their 1985 plans and we will place the warnings as specified in those plans. Accordingly, for its advertising I propose the quarterly rotation of warning labels in its advertisements set forth below.

We currently do not intend to operate a company website and do not intend to advertise our products in such website. Although a company web site (www.globaltobaccoilc.com) is listed in our company letterhead, it is not functional and we do not have any plans to operate such web site in near future. However, in future, if we do operate a company website, we will submit our advertisement plans along with web-site details for FTC approval.



B. Warning Label Rotation:

We continue to maintain the following quarterly rotation schedule for advertising of the four required warning statements.

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

My schedule for quarterly rotation of the warnings in advertising is as follows:

	Global Classic	Patriot	Global Fiesta
First Quarter (Jan. – March)	A	B	D
Second Quarter (Apr. – June)	B	C	A
Third Quarter (July – Sept.)	C	D	B
Fourth Quarter (Oct. – Dec.)	D	A	C

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 Compliance Officer
 Global Tobacco LLC
 2861 Congressman Ln, Suite # 300
 Dallas, Texas 75220
 Phone: 214-357-6653 x 224
 Fax: 214-357-6655



Division of
Advertising Practices

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

May 22, 2014

Ms. Swetha Duggirala
Regulatory Compliance Officer
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 May 21, 2014, calling for simultaneous display (i.e., the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Global Classic, Patriot, and Global Fiesta brands of cigarettes.

Global Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated May 13 and June 17, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Global Tobacco's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties:

- Sixteen varieties of the Global Classic brand: Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Gold 100's (soft pack and hard pack), and Silver 100's (soft pack and hard pack);

¹ Global Tobacco stated in its May 21, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. Although some of the warnings on the sample packs of the Global Classic brand and on the sample packs and cartons of the Fiesta brand initially submitted on May 13, 2010 contained capitalization errors, corrected samples were submitted on June 17, 2010.

Ms. Swetha Duggirala
May 22, 2014
Page 2

- Eight soft pack varieties of the Patriot brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 100's; and
- Eight hard pack varieties of the Global Fiesta brand: Red Kings, Red 100's, Gold Kings, Gold 100's, Menthol Kings, Menthol 100's, Menthol Gold 100's, and Silver 100's.

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 has previously approved.

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

Please note that this letter only approves 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, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

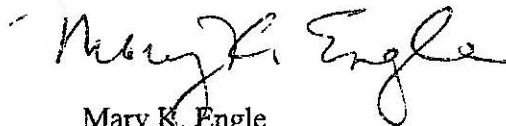
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Swetha Duggirala
May 22, 2014
Page 3

This approval is effective on the date of this letter and runs through May 21, 2015, 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 Arien Parham at (202) 326-2696.

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

**Six Nations Manufacturing
11359 Southwestern Blvd.
PO Box 377
Irving, NY 14081
Tele: 716-783-2285
Fax: 716-934-4087**

June 2, 2014

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

This letter is being submitted for the renewal of the Surgeon General Warning Rotation Plans that were approved by your office on May 16, 2013 for the packaging for the Senate, Gator and Buffalo brands. The brand styles of each brand (Senate, Gator and Buffalo) are listed and submitted in Schedule "A". We will adhere to the advertising plan of Senate, Gator and Buffalo cigarettes, most recently approved by your office on December 17, 2012. The "Senate", "Gator" and "Buffalo" cigarette brands will continue to be manufactured by J. Conrad Seneca, d.b.a. Six Nations Manufacturing. The other brands that Six Nations Manufacturing produces at this time are "Native Pride", "Bronco" and "Stallion". Six Nations Manufacturing letter dated February 14, 2014 for health warning statement plans for "Native Pride" and "Bronco" was approved on February 18, 2014. Six Nations Manufacturing letter dated April 14, 2014 for health warning statement plans for "Stallion" was approved on April 23, 2014.

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons for the Senate, Gator brands exactly as shown on the samples submitted with the letter dated February 8, 2011. The warnings will appear on the packs and cartons for the Buffalo brands exactly as shown on the samples submitted with the letters dated April 28, 2009, May 13, 2009 and May 7, 2010. Under Section 1333(c)(2) J. Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Senate, Gator and Buffalo brands for the one year period beginning on the date of approval of this plan. Thru the date of this application, the Surgeon General Warning Label on the packages and cartons of the Gator,

Senate and Buffalo brand styles have been equalized in accordance with our approved plans. Six Nations Manufacturing assures the printing of an equal number of the four warning labels produced throughout the year by working with its packaging vendors to design pre-printing layouts by purchase order in equal amounts of the four warning labels for the packs and cartons of each brand style per production run. We will keep records demonstrating compliance with this plan. The total sales for our fiscal year 2014 are estimated to be [REDACTED] cigarettes. J. Conrad Seneca, d.b.a. Six Nations Manufacturing has attached "Schedule B" showing actual production volume for our fiscal year 2013.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing advertising plan for the Senate, Gator and Buffalo brands was most recently approved on December 17, 2012. We will remain in compliance with this advertising plan.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing is aware of the requirements set forth by the Federal Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with that act. J. Conrad Seneca, d.b.a. Six Nations Manufacturing will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



J. Conrad Seneca, Owner

Enclosures

SCHEDULE B: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks.

Style	Sticks
Bronco Red Kings Box	
Bronco Gold Kings Box	
Bronco Silver Kings Box	
Bronco Menthol Kings Box	
Bronco Menthol Gold Kings Box	
Bronco Non-Filter Kings Box	
Bronco Red 100's Box	
Bronco Gold 100's Box	
Bronco Silver 100's Box	
Bronco Menthol 100's Box	
Bronco Menthol Gold 100's Box	
Native Pride Robust Full Bodied Flavor King Size Box	
Native Pride Relaxed Smooth Flavor King Size Box	
Native Pride Full Bodied Menthol Flavor King Size Box	
Native Pride Robust Full Bodied Flavor 100's Size Box	
Native Pride Relaxed Smooth Flavor 100's Size Box	
Native Pride Full Bodied Menthol Flavor 100's Size Box	
Native Pride Smooth Menthol Flavor 100's Size Box	
Native Pride Ultra Smooth Flavor 100's Size Box	
Senate Full Flavor King's Size Box	
Senate Smooth King's Size Box	
Senate Menthol King's Size Box	
Senate Menthol Smooth King's Size Box	
Senate Ultra Smooth King's Size Box	
Senate Non-Filter King's Size Box	
Senate Full Flavor 100's Size Box	
Senate Smooth 100's Size Box	
Senate Menthol 100's Size Box	
Senate Menthol Smooth 100's Size Box	
Senate Ultra Smooth 100's Size Box	
Gator Full Flavor King's Size Box	
Gator Smooth King's Size Box	
Gator Menthol King's Size Box	
Gator Menthol Smooth King's Size Box	
Gator Ultra Smooth King's Size Box	
Gator Non-Filter King's Size Box	
Gator Full Flavor 100's Size Box	
Gator Smooth 100's Size Box	
Gator Menthol 100's Size Box	
Gator Menthol Smooth 100's Size Box	
Gator Ultra Smooth 100's Size Box	

SCHEDULE B: Actual annual (1/1/2013 -12/31/2013) production volume by Six Nations Manufacturing for Senate, Gator, Buffalo, Native Pride and Bronco Cigarettes by style in sticks:

(continued)

Style	Sticks
Buffalo Full Flavor King's Size Box	
Buffalo Smooth King's Size Box	
Buffalo Menthol King's Size Box	
Buffalo Menthol Smooth King's Size Box	
Buffalo Ultra Smooth King's Size Box	
Buffalo Non-Filter King's Size Box	
Buffalo Full Flavor 100's Size Box	
Buffalo Smooth 100's Size Box	
Buffalo Menthol 100's Size Box	
Buffalo Menthol Smooth 100's Size Box	
Buffalo Ultra Smooth 100's Size Box	
Buffalo Full Flavor 100's Size Soft	
Buffalo Smooth 100's Size Soft	
Buffalo Menthol 100's Size Soft	
Buffalo Menthol Smooth 100's Size Soft	
Buffalo Ultra Smooth 100's Size Soft	
Totals	



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

Division of
Advertising Practices

June 9, 2014

Mr. J. Conrad Seneca
Six Nations Manufacturing
P.O. Box 377
Irving, NY 14081

Dear Mr. Seneca:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of J. Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on June 2, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Senate, Gator, and Buffalo brands of cigarettes.

Six Nations’ 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 the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Senate	February 8, 2011
Gator	February 8, 2011
Buffalo	April 28, 2009 May 13, 2009 May 7, 2010

¹ Six Nations stated in its June 2, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Eleven box varieties of the Senate brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), and Non-Filter Kings; and
- Eleven box varieties of the Gator brand: Full Flavor (Kings and 100's), Smooth (Kings and 100's), Ultra Smooth (Kings and 100's), Menthol (Kings and 100's), Menthol Smooth (Kings and 100's), and Non-Filter Kings; and
- Sixteen varieties of the Buffalo brand: Full Flavor Kings box, Full Flavor 100's (soft pack and box), Menthol Kings box, Menthol 100's (soft pack and box), Non Filter Kings box, Smooth Kings box, Smooth 100's (soft pack and box), Ultra Smooth Kings box, Ultra Smooth 100's (soft pack and box), Menthol Smooth Kings box, and Menthol Smooth 100's (soft pack and box).

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

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

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

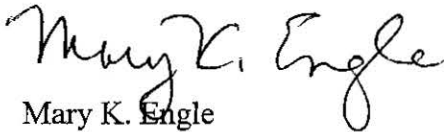
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. J. Conrad Seneca
June 9, 2014
Page 3

This approval is effective on the date of this letter and runs through June 8, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact William Ducklow at (202) 326-2848.

Very truly yours,

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

Mary K. Engle
Associate Director

June 16, 2014



Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room NJ-3212
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 for the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of the following fifteen (15) varieties of the Exact cigarette brand, twelve (12) varieties of the Exact Elite cigarette brand, eighteen (18) styles of the Lewiston cigarette brand, twenty (20) varieties of the Market cigarette brand, one (1) style of the Maple Leaf cigarette brand, two (2) styles of the Outdoor Freedom cigarette brand, twenty-two (22) styles of the Smokin Joes cigarette brand, twenty-one (21) styles of the Smokin Joes Natural cigarette brand, eighteen (18) styles of the Smokin Joes Premium cigarette brand, and two (2) varieties of the Nightclub cigarette brand:

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

800-274-8010

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

Market NonFilter King Size Box
Market Blue 100 Size Box
Market Blue 100 Size Soft Pack
Market Blue King Size Box

Outdoor Freedom Cigarette Brand
Outdoor Freedom Original King Size Box
Outdoor Freedom Smooth King Size Box
Smokin Joes Cigarette Brand
Smokin Joes Red 100 Size Soft Pack
Smokin Joes Red 100 Size Box
Smokin Joes Red King Size Box
Smokin Joes Red King Size Soft Pack
Smokin Joes Gold 100 Size Soft Pack
Smokin Joes Gold 100 Size Box
Smokin Joes Gold King Size Box
Smokin Joes Gold King Size Soft Pack
Smokin Joes Menthol 100 Size Soft Pack
Smokin Joes Menthol 100 Size Box
Smokin Joes Menthol King Size Soft Pack
Smokin Joes Menthol King Size Box
Smokin Joes Menthol Gold 100 Size Soft Pack
Smokin Joes Menthol Gold 100 Size Box
Smokin Joes Menthol Gold King Size Soft Pack
Smokin Joes Menthol Gold King Size Box
Smokin Joes NonFilter King Size Soft Pack
Smokin Joes NonFilter King Size Box
Smokin Joes Blue 100 Size Soft Pack
Smokin Joes Blue 100 Size Box
Smokin Joes Blue King Size Soft Pack
Smokin Joes Blue King Size Box
Smokin Joes Natural Cigarette Brand
Smokin Joes Natural Purple 100 Size Soft Pack
Smokin Joes Natural Purple 100 Size Box
Smokin Joes Natural Purple King Size Box
Smokin Joes Natural Purple King Size Soft Pack
Smokin Joes Natural Silver 100 Size Soft Pack
Smokin Joes Natural Silver 100 Size Box
Smokin Joes Natural Silver King Size Soft Pack
Smokin Joes Natural Silver King Size Box
Smokin Joes Natural Menthol 100 Size Soft Pack
Smokin Joes Natural Menthol 100 Size Box
Smokin Joes Natural Menthol King Size Box
Smokin Joes Natural Red 100 Size Soft Pack
Smokin Joes Natural Red 100 Size Box
Smokin Joes Natural Red King Size Soft Pack
Smokin Joes Natural Red King Size Box
Smokin Joes Natural Menthol Gold 100 Size Soft Pack

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

These cigarettes are manufactured by Joseph M. Anderson d/b/a Smokin Joes. 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 with my May 11, 2010 letter with the exception of the Nightclub brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my May 4, 2011 letter, the Outdoor Freedom brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my August 27, 2010 letter, and the following six (6) styles of the Lewiston cigarette brand, three (3) styles of the Smokin

Joes Premium cigarette brand, three (3) styles of the Smokin Joes Natural cigarette brand, and two (2) styles of the Exact cigarette brand styles that will have the warnings appear exactly as shown on the actual pack labels and cartons submitted with my October 21, 2011 letter:

Exact Cigarette Brand
Exact Gold 100 Size Box
Exact Menthol 100 Size Box
Lewiston Cigarette Brand
Lewiston Red 100 Size Box
Lewiston Gold 100 Size Box
Lewiston Menthol 100 Size Box
Lewiston Menthol King Size Box
Lewiston Menthol Gold 100 Size Box
Lewiston Blue 100 Size Box
Smokin Joes Natural Cigarette Brand
Smokin Joes Natural Menthol 100 Size Box
Smokin Joes Natural Red 100 Size Box
Smokin Joes Natural Red King Size Box
Smokin Joes Premium Cigarette Brand
Smokin Joes Premium Red 100 Size Box
Smokin Joes Premium Gold 100 Size Box
Smokin Joes Premium Menthol 100 Size Box

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 and imported brands are provided on Exhibit A. Smokin Joes manufactures a number of cigarette brand styles and until October 2009 imported the Lewiston Special cigarette brand and Exact Special cigarette brand. Smokin Joes no longer imports the Lewiston Special and Exact Special cigarette brands. Of all Smokin Joes manufactured cigarette brand styles, from May 1, 2013 through April 30, 2014, the biggest seller was Smokin Joes Full Flavor 100 Size Box totaling [REDACTED] sticks.

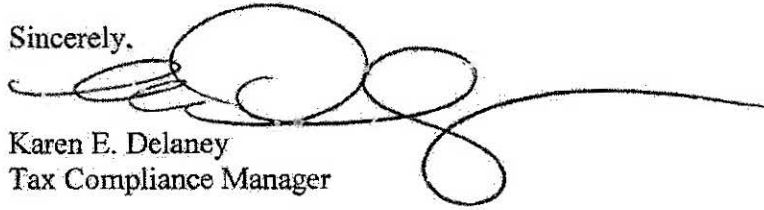
If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on the packs and cartons of each of the cigarette brand varieties listed above an equal number of times for the one year period beginning on the date this plan is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

Smokin Joes will continue to comply with its May 1, 2007 amended plan for advertising the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes cigarette brands as well

as its February 19, 2008 plan for advertising the Nightclub cigarette brand and its April 16, 2009 plan for advertising the Maple Leaf cigarette brand.

Smokin Joes, the manufacturer, is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. 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 x225.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

PRODUCT EXACT	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
EXACT CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE SOFT PACK	
EXACT CANADIAN BLUE KING SIZE SOFT PACK	
EXACT FULL FLAVOR (RED) 100 SOFT PACK	
EXACT FULL FLAVOR (RED) KING BOX	
EXACT FULL FLAVOR (RED) KING SOFT PACK	
EXACT GOLD 100 SOFT PACK	
EXACT GOLD 100 BOX	
EXACT GOLD KING BOX	
EXACT GOLD KING SOFT PACK	
EXACT MENTHOL 100 SOFT PACK	
EXACT MENTHOL 100 BOX	
EXACT MENTHOL KING SOFT PACK	
EXACT MENTHOL GOLD 100 SOFT PACK	
EXACT MENTHOL GOLD KING SOFT PACK	
EXACT BLUE 100 SOFT PACK	
PRODUCT EXACT ELITE	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
EXACT ELITE FULL FLAVOR (RED) KING SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) 100 SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) KING SIZE BOX	
EXACT ELITE GOLD 100 SIZE SOFT PACK	
EXACT ELITE GOLD KING SIZE BOX	
EXACT ELITE GOLD KING SIZE SOFT PACK	
EXACT ELITE MENTHOL KING SIZE SOFT PACK	
EXACT ELITE MENTHOL 100 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	
PRODUCT MAPLE LEAF	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
MAPLE LEAF CANADIAN BLUE KING SIZE BOX	
PRODUCT MARKET	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
MARKET FULL FLAVOR (RED) 100 SIZE BOX	
MARKET FULL FLAVOR (RED) 100 SOFT PACK	
MARKET FULL FLAVOR (RED) KING BOX	
MARKET FULL FLAVOR (RED) KING SOFT PACK	
MARKET GOLD 100 SIZE BOX	
MARKET GOLD 100 SOFT PACK	
MARKET GOLD KING BOX	
MARKET GOLD KING SOFT PACK	
MARKET MENTHOL 100 BOX	
MARKET MENTHOL 100 SOFT PACK	
MARKET MENTHOL KING BOX	
MARKET MENTHOL KING SOFT PACK	
MARKET MENTHOL GOLD 100 BOX	
MARKET MENTHOL GOLD 100 SOFT PACK	
MARKET MENTHOL GOLD KING SOFT PACK	
MARKET MENTHOL BLUE 100 SIZE BOX	
MARKET NON-FILTER KING SIZE BOX	
MARKET BLUE 100 BOX	
MARKET BLUE 100 SIZE SOFT PACK	
MARKET BLUE KING SIZE BOX	

PRODUCT NIGHTCLUB	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
NIGHTCLUB RICH KING SIZE BOX	
NIGHTCLUB SMOOTH KING SIZE BOX	
PRODUCT SMOKIN JOES NATURAL	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SIZE BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SOFT PACK	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING SOFT PACK	
SMOKIN JOES NATURAL SILVER 100 SIZE BOX	
SMOKIN JOES NATURAL SILVER 100 SOFT PACK	
SMOKIN JOES NATURAL SILVER KING SIZE BOX	
SMOKIN JOES NATURAL SILVER KING SOFT PACK	
SMOKIN JOES NATURAL MEDIUM (RED) 100 SOFT PACK	
SMOKIN JOES NATURAL RED 100 BOX	
SMOKIN JOES NATURAL MEDIUM (RED) KING SOFT PACK	
SMOKIN JOES NATURAL RED KING BOX	
SMOKIN JOES NATURAL MENTHOL 100 SIZE SOFT PK	
SMOKIN JOES NATURAL MENTHOL 100 SIZE BOX	
SMOKIN JOES NATURAL MENTHOL KING SIZE BOX	
SMOKIN JOES NATURAL MENTHOL GOLD 100 SOFT PK	
SMOKIN JOES NATURAL MENTHOL GOLD KING SIZE BOX	
SMOKIN JOES NATURAL NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOES NATURAL WHITE 100 SIZE BOX	
SMOKIN JOES NATURAL WHITE 100 SIZE SOFT PACK	
SMOKIN JOES NATURAL WHITE KING SIZE SOFT PACK	
PRODUCT LEWISTON	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
LEWISTON FULL FLAVOR (RED) 100 SIZE SOFT PACK	
LEWISTON RED 100 SIZE BOX	
LEWISTON FULL FLAVOR (RED) KING SIZE BOX	
LEWISTON FULL FLAVOR (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	

PRODUCT SMOKIN JOES	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX	
SMOKIN JOES FULL FLAVOR (RED) 100 SOFT PACK	
SMOKIN JOES FULL FLAVOR (RED) KING SIZE BOX	
SMOKIN JOES FULL FLAVOR (RED) KING SIZE SOFT PACK	
SMOKIN JOES GOLD 100 SIZE BOX	
SMOKIN JOES GOLD 100 SIZE SOFT PACK	
SMOKIN JOES GOLD KING SIZE BOX	
SMOKIN JOES GOLD KING SIZE SOFT PACK	
SMOKIN JOES MENTHOL 100 SIZE BOX	
SMOKIN JOES MENTHOL 100 SIZE SOFT PACK	
SMOKIN JOES MENTHOL KING SIZE BOX	
SMOKIN JOES MENTHOL KING SIZE SOFT PACK	
SMOKIN JOES MENTHOL GOLD 100 SIZE BOX	
SMOKIN JOES MENTHOL GOLD 100 SIZE SOFT PACK	
SMOKIN JOES MENTHOL GOLD KING SIZE BOX	
SMOKIN JOES MENTHOL GOLD KING SIZE SOFT PACK	
SMOKIN JOES NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOES NON-FILTER KING SIZE BOX	
SMOKIN JOES BLUE 100 SIZE BOX	
SMOKIN JOES BLUE 100 SIZE SOFT PACK	
SMOKIN JOES BLUE KING SIZE BOX	
SMOKIN JOES BLUE KING SIZE SOFT PACK	
PRODUCT OUTDOOR FREEDOM	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
OUTDOOR FREEDOM FULL FLAVOR (ORIGINAL) KING SIZE BOX	
OUTDOOR FREEDOM SMOOTH KING SIZE BOX	
PRODUCT SMOKIN JOES PREMIUM	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
SMOKIN JOE PREMIUM CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE BOX	
SMOKIN JOE PREMIUM CANADIAN BLUE KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM RED 100 SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM GOLD 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM GOLD 100 SIZE BOX	
SMOKIN JOE PREMIUM GOLD KING SIZE BOX	
SMOKIN JOE PREMIUM GOLD KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL 100 SIZE BOX	
SMOKIN JOE PREMIUM MENTHOL KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL GOLD 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL GOLD KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM BLUE 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM BLUE KING SIZE SOFT PACK	
PRODUCT (TOP SELLING SKU)	STICKS (Actual Stick Sales Figures May 1, 2013 - April 30, 2014)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX	

*Nightclub Full Flavor King Size International style box, Nightclub Light King Size International Style box, Outdoor Freedom Full Flavor King Size Soft pack, Outdoor Freedom Lights King Size Soft Pack, Smokin Joes Premium Medium King Size Soft Pack, and Smokin Joes Premium Medium 100 Size Soft Pack are no longer manufactured.



Division of
Advertising Practices

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

June 18, 2014

Ms. Karen E. Delaney
Tax Compliance Manager
Smokin Joes
4900 Indian Hill Road
Lewiston, NY 14092

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Joseph M. Anderson d/b/a Smokin Joes ("Smokin Joes") on June 16, 2014, 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 the following dates continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Exact	May 11, 2010 October 21, 2011
Exact Elite	May 11, 2010

¹ Smokin Joes stated in its June 16, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Lewiston	May 11, 2010 October 21, 2011
Maple Leaf	May 11, 2010
Market	May 11, 2010
Nightclub	May 4, 2011
Outdoor Freedom	August 27, 2010
Smokin Joes	May 11, 2010
Smokin Joes Natural	May 11, 2010 October 21, 2011
Smokin Joes Premium	May 11, 2010 October 21, 2011

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

- Fifteen varieties of the Exact brand: Canadian Red King Soft Pack, Canadian Blue King Soft Pack, Red King Box, Red Soft Pack (King and 100's), Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Soft Pack (King and 100's), Menthol 100's Box, Menthol Gold Soft Pack (King and 100's), and Blue 100's Soft Pack;
- Twelve varieties of the Exact Elite brand: Non-Filter King Box, Red King Box, Red Soft Pack (King and 100's), Gold King Box, Gold Soft Pack (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold Soft Pack (King and 100's), and Blue 100's Soft Pack;
- Eighteen varieties of the Lewiston brand: Non-Filter King Soft Pack, Red Box (King and 100's), Red Soft Pack (King and 100's), Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold 100's Box, Menthol Gold Soft Pack (King and 100's), and Blue 100's (Box and Soft Pack);
- One variety of the Maple Leaf brand: Canadian Blue King Box;
- Two varieties of the Outdoor Freedom brand: Original King Box, and Smooth King Box;
- Two varieties of the Nightclub brand: Rich King Box, and Smooth King Box;

- Twenty varieties of the Market brand: Non-Filter King Box, Red Box (King and 100's), Red Soft Pack (King and 100's), Blue Box (King and 100's), Blue 100's Soft Pack, Gold Box (King and 100's), Gold Soft Pack (King and 100's), Menthol Box (King and 100's), Menthol Soft Pack (King and 100's), Menthol Gold Soft Pack (King and 100's), Menthol Gold 100's Box, and Menthol Blue 100's Box;
- Twenty-two varieties of the Smokin Joes brand: Non-Filter King (Soft Pack and Box), Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue King (Soft Pack and Box), Blue 100's (Soft Pack and Box), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol King (Soft Pack and Box), Menthol 100's (Soft Pack and Box), Menthol Gold King (Soft Pack and Box), and Menthol Gold 100's (Soft Pack and Box);
- Twenty-one varieties of the Smokin Joes Natural brand: Non-Filter King Soft Pack, Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Purple King (Soft Pack and Box), Purple 100's (Soft Pack and Box), Silver King (Soft Pack and Box), Silver 100's (Soft Pack and Box), White King Soft Pack, White 100's (Soft Pack and Box), Menthol King Box, Menthol 100's (Soft Pack and Box), Menthol Gold King Box, and Menthol Gold 100's Soft Pack; and
- Eighteen varieties of the Smokin Joes Premium brand: Non-Filter King Soft Pack, Canadian Red King Box, Canadian Blue King Box, Red King (Soft Pack and Box), Red 100's (Soft Pack and Box), Blue Soft Pack (King and 100's), Gold King (Soft Pack and Box), Gold 100's (Soft Pack and Box), Menthol 100's Box, Menthol Soft Pack (King and 100's), and Menthol Gold Soft Pack (King and 100's).

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

Please note that this letter only approves 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).

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

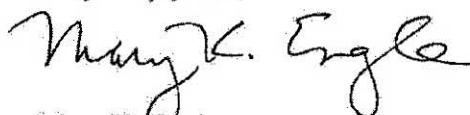
Ms. Karen E. Delaney
June 18, 2014
Page 4

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

This approval is effective on the date of this letter and runs through June 17, 2015, 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 Caitlyn Brady at (202) 326-2848.

Very truly yours,



Mary K. Engle
Associate Director



PO Box 214
Gowanda, New York 14070

1.877.NATIVE3
Fax: 716.532.6137

June 23, 2014

Federal Trade Commission
Advertising Practices
601 New Jersey Avenue North West
Washington, D.C. 20001
Mail Stop NJ3212

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2014 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Seneca, Opal and Couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

Our previous plan for the simultaneous display of warnings on packages for the Seneca, Couture and Opal brands was approved on June 19, 2013 and has not changed. We now wish to renew our approval for the following brand styles:

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

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

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

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

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

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

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

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

Although there have been no changes to the display and rotation of warnings, please note that the packaging on some brand styles has changed slightly. The only changes in brand style packaging are as follows: (1) a change in the face on the Indian head on the brand styles listed below; (2) a change in the background color of the word PREMIUM from gold to silver on the brand styles listed below; and (3) there is a color change in the packaging from gray and white to gray, white, gray and blue for the brand style Seneca Silver Box 100's.

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

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

We are enclosing packaging for each pack and carton brand style listed above for your approval.

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

Our sales for 2013 by brand style is attached. Native Wholesale Supply's fiscal year coincides with the calendar year.

We comply with the "Cigarette Act" by having our supplier, White House Graphics, print the four surgeon general warnings simultaneously in equal numbers at the time of both the pack and carton print runs. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca, Couture and Opal brands an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The warnings will appear exactly as shown on the sample packs and cartons for the Seneca brand submitted with our May 28, 2010, June 30, 2011, September 16, 2011, September 28, 2011, October 4, 2011, and June 10, 2014 letters; for the Couture brand submitted with our June 9, 2010 letter; and for the Opal brand submitted with our May 28, 2010 and June 30, 2011 letters.

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

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

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

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

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

ADVERTISING

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

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

Yours truly,

A handwritten signature in black ink, appearing to read 'Arthur Montour', with a stylized, cursive script.

Arthur Montour, President

Native Wholesale Supply 2013 Brand Sales

<u>Flavor</u>	<u>Sticks</u>
Seneca 72's Full Flavor	
Seneca 72's Blue	
Seneca 72's Menthol	
Seneca Full Flavor King Soft	
Seneca Blue King Soft	
Seneca Silver King Soft	
Seneca Menthol King Soft	
Seneca Smooth Menthol King Soft	
Seneca Full Flavor King Box	
Seneca Blue King Box	
Seneca Silver King Box	
Seneca Menthol King Box	
Seneca Smooth Menthol King Box	
Seneca Non Filter King Box	
Seneca Chill King Box	
Seneca Medium King Box	
Seneca Full Flavor 100 Soft	
Seneca Blue 100 Soft	
Seneca Silver 100 Soft	
Seneca Menthol 100 Soft	
Seneca Smooth Menthol 100 Soft	
Seneca Extra Smooth Menthol 100 Soft	
Seneca Full Flavor 100 Box	
Seneca Blue 100 Box	
Seneca Silver 100 Box	
Seneca Menthol 100 Box	
Seneca Smooth Menthol 100 Box	
Seneca Extra Smooth Menthol 100 Box	
Seneca Medium 100 Box	
Seneca 120's Full Flavor Box	
Seneca 120's Smooth Box	
Seneca 120's Ultra Box	
Seneca 120's Menthol Box	
Seneca 120's Smooth Menthol Box	
Opal Full Flavor 120 Box	
Opal Smooth 120 Box	
Opal Ultra 120 Box	
Opal Menthol 120 Box	
Opal Smooth Menthol 120 Box	
Couture Ruby	
Couture Amethyst	
Couture Diamond	
Couture Sapphire	
Couture Turquoise	
Couture Aquamarine	

Selected packaging samples from those
submitted with the plan.

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

SENECA

MADE UNDER THE
AUTHORITY OF
TOBACCOVILLE
USA INC.
USA

MADE IN
CANADA

SILVER
100'S



AMERICA'S FINEST BLEND

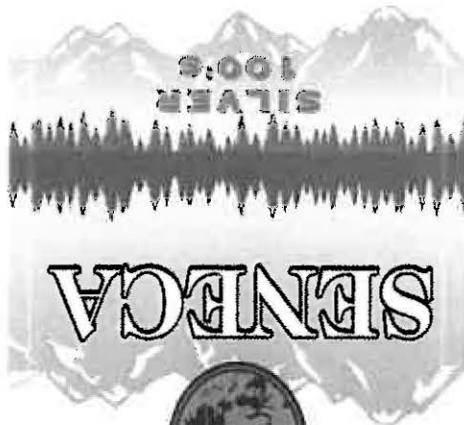
SENECA

SILVER
100'S



AMERICA'S FINEST BLEND

F4-100F-SE-SIL-BL



UNDERAGE
SALE
PROHIBITED

20 CLASS
A
CIGARETTES

SILVER
100'S

SENECA

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE

PREMIUM

UNDERAGE SALE PROHIBITED



SENECA

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE

AMERICA'S
FINEST BLEND

10 HARD PACKS

AMERICA'S
FINEST BLEND

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE

SENECA

FULL FLAVOR
AMERICAN BLEND
NO FILTER
KING SIZE

54-TE-25



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

Not Affiliated with the
Tobacco Trust or Initials
Mark under the authority of
Tobacco Trust, Inc.
ATA
New York, NY



Division of
Advertising Practices

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

June 24, 2014

Mr. Arthur Montour
President
Native Wholesale Supply Co.
P.O. Box 214
Gowanda, NY 14070

Dear Mr. Montour:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company ("NWSC") on June 23, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca, Couture Slims, and Opal brands of cigarettes.

NWSC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter:¹

<u>Brand</u>	<u>Date(s)</u>
Seneca	May 28, 2010 June 30, 2011 September 16, 2011 September 28, 2011 October 4, 2011 June 10, 2014

¹ NWSC stated in its June 23, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

<u>Brand</u>	<u>Date(s)</u>
Couture Slims	June 9, 2010
Opal	May 28, 2010 June 30, 2011

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

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

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

Please note that this letter only approves NWSC's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning the rotation, size, and conspicuousness of the warnings on NWSC'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 NWSC's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of NWSC's packaging and advertising under the 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).

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

Mr. Arthur Montour
June 24, 2014
Page 3

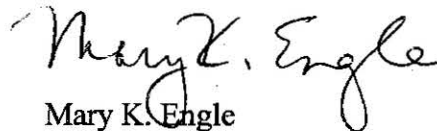
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

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

This approval is effective on the date of this letter and runs through June 23, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,



Mary K. Engle
Associate Director



SOVEREIGN TOBACCO CO.

VIA FEDEX

June 11, 2014

Ms. Mary K. Engle, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20580

Re: Revised Cigarette Health Warning Rotation Plan

Dear Ms. Engle:

On August 30, 2012, the Federal Trade Commission (the "Commission") approved a cigarette health warning rotation plan submitted by D Cube, LLC dba Sovereign Tobacco Co. ("Sovereign") for the cigarette brand varieties listed on Schedule A that expired on August 29, 2013 (the "Previous Rotation Plan"). On September 20, 2013, the Commission approved a cigarette health warning rotation plan submitted by Sovereign for those same cigarette brand styles based on Sovereign's intent to introduce new color descriptors on its packs and cartons for its Bishop and Great Country brands (the "Revised Packaging") that expires on September 19, 2014 (the "Revised Rotation Plan"). The Revised Rotation Plan allowed Sovereign to use the remaining inventory of the packaging submitted on February 9 and 28, 2011 for the Great Country brand and May 24 and June 17, 2010 for the Bishop brand (the "Current Packaging") before beginning to use the Revised Packaging. Following the approval by the Commission of the Revised Rotation Plan, Sovereign determined that use of the Revised Packaging was not in the best interest of Sovereign and has decided to continue using the Current Packaging. Through the date of this letter, the Surgeon General's warnings on the packages for Sovereign's brands styles listed on Schedule A have been equalized in accordance with the Revised Rotation Plan.

The purpose of this letter is to request that a warning rotation plan be approved for the one-year period beginning on the date of your approval for Sovereign to continue to use the Current Packaging for the cigarette brand styles listed on Schedule A. Sample packs and outer cartons for the cigarette brand styles listed on Schedule A were submitted with letters dated as follows:

<u>Brand</u>	<u>Date(s)</u>
Bishop	May 24, 2010 June 17, 2010
Niagara's	August 19, 2013
Great Country	February 9, 2011 February 28, 2011
Cool Harbor	February 9, 2011

The actual packs and cartons to be manufactured and sold will be identical to the samples submitted with those letters.

Sovereign intends to manufacture and sell the cigarette brand styles listed on Schedule A at its factory located on the lands of the Oneida Indian Nation in Oneida, New York in the United States.

The total number of cigarettes sold by Sovereign in fiscal year 2013 is set forth on Schedule B and did not

exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishop, Cool Harbor or Great Country (the only brands manufactured by Sovereign in 2013). I anticipate that in fiscal year 2014, the total number of cigarettes sold will not exceed [REDACTED] cigarettes for any one brand style of Niagara's, Bishop, Great Country or Cool Harbor. Please note that Sovereign discontinued sales of all soft packs for the Bishop, Great Country and Cool Harbor brands, and kings soft packs for the Niagara's brand, prior to August 30, 2012 and is not currently manufacturing soft packs of these brands. The specific discontinued brand styles are listed on Schedule C attached to this letter.

In accordance with Section 1333(c)(2) of the Federal Cigarette Labeling and Advertising Act (the "Act"), and based upon anticipated annual sales quantities (i.e., total sales will be less than one-fourth of one percent of total cigarettes sold in the United States, and the brand styles of the cigarettes manufactured meet this low sales threshold), Sovereign requests that it be allowed to use the rotation plan using the alternative method to the quarterly rotation plan for the brand styles listed on Schedule A.

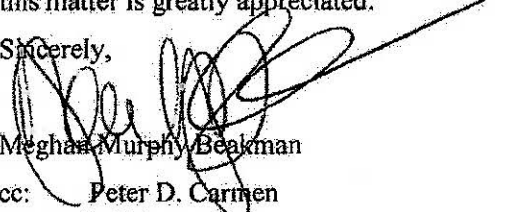
As a "small" manufacturer by virtue of the information set forth above, Sovereign states as its plan of rotation that the labels described in Section 1333(a)(2) of the Act and listed on Schedule D attached to this letter shall appear on the packages and cartons of the cigarette brand styles listed on Schedule A an equal number of times for the one year period commencing on the date of approval of this plan. In order to ensure equal distribution of the four warnings, we have a set process with our printing supplier to print one fourth of each order of packages and cartons with each one of the four warnings. In addition, we ensure that every order we distribute contains packages and cartons with an equal number of each of the four warnings. We will keep records demonstrating compliance with this plan.

Sovereign submitted a plan for advertising (other than outdoor billboard advertising) and outdoor billboard advertising for the Niagara's, North Country (no longer in production), and Bishop brands on December 4, 2009, which was approved by the Commission on December 17, 2009, and a request to renew this advertising plan on July 7, 2010, which was approved by the Commission on August 3, 2010. In addition, Sovereign submitted a request to the Commission to amend this advertising plan to include the Great Country and Cool Harbor brands on February 28, 2011, which was approved by the Commission on March 2, 2011.

Sovereign believes that the foregoing plan complies with the requirements set forth in the Federal Cigarette Labeling and Advertising Act and respectfully requests approval of this plan.

Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent to my attention, as counsel to Sovereign, at the address below (with a copy faxed to 315-361-8009). If you have any questions concerning the plan I have described, or need additional information, please contact Jaime Previte at (315) 361-8044 or jprevite@oneida-nation.org. Your prompt attention to this matter is greatly appreciated.

Sincerely,


Meghan Murphy Beakman

cc: Peter D. Carmen
Bill Dvorak

SCHEDULE A

Brand	Pack Type	Brand Styles	Date Packaging Submitted to the FTC
Bishop	Box	<ul style="list-style-type: none"> • Full Flavor Kings Box • Dark Blue Kings Box • Blue Kings Box • Menthol Kings Box (dark green packaging) • Green Menthol Kings Box (light green packaging) • Full Flavor 100's Box • Dark Blue 100's Box • Blue 100's Box • Green Menthol 100's Box (light green packaging) • Menthol 100's Box (dark green packaging) 	May 24, 2010 & June 17, 2010
Niagara's	Soft	<ul style="list-style-type: none"> • Full Flavor Soft 100s • Soft 100s (Dark Blue; in purple packaging¹) • Soft 100s (Blue) • Menthol Soft 100s (Full Flavor²) • Menthol³ Soft 100s (Green; in light green⁴) 	August 19, 2013
Niagara's	Box	<ul style="list-style-type: none"> • Full Flavor Box Kings • Box Kings (Dark Blue; in purple packaging) • Box Kings (Blue) • Menthol Box Kings (Full Flavor⁵) • Menthol⁶ Box Kings (Green; in light green packaging) • Full Flavor Box 100s • Box 100s (Dark Blue; in purple packaging) • Box 100s (Blue) • Menthol Box 100s (Full Flavor⁷) • Menthol⁸ Box 100s (Green; in light green packaging) 	August 19, 2013

¹ The Manufacturer describes the color as dark blue. However, FTC views the color as purple. As such, for all Niagara brand varieties designated as dark blue, the Manufacturer has added that the varieties are in purple packaging.

² The packaging states that this variety is full flavor.

³ The packaging does not state that this variety is menthol.

⁴ The Manufacturer describes the color as green. However, the FTC views the color as light green. As such, for all Niagara brand varieties designated as green, the Manufacturer has added that the varieties are in light green packaging.

⁵ The packaging states that this variety is full flavor.

⁶ The packaging does not state that this variety is menthol.

⁷ The packaging states that this variety is full flavor.

Great Country	Box	<ul style="list-style-type: none"> • Full Flavor Box Kings • Box Kings (Dark Blue) • Box Kings (Blue) • Menthol Box Kings (Dark Green) • Menthol Box Kings (Green) • Full Flavor Box 100's • Box 100's (Dark Blue) • Box 100's (Blue) • Menthol Box 100's (Dark Green) • Menthol Box 100's (Green) 	February 9, 2011 & February 28, 2011 (outer carton for Full Flavor Box 100s)
Cool Harbor	Box	<ul style="list-style-type: none"> • Menthol Box Kings (Dark Green; Full Flavor⁹) • Menthol¹⁰ Box Kings (Green) • Menthol Box 100s (Dark Green; Full Flavor¹¹) • Menthol¹² Box 100s (Green) 	February 9, 2011

⁸ The packaging does not state that this variety is menthol.

⁹ The packaging states that this variety is full flavor.

¹⁰ The packaging does not state that the product is menthol.

¹¹ The packaging states that this variety is full flavor.

¹² The packaging does not state that this variety is menthol.

SCHEDULE B

BRAND STYLE	NUMBER OF CIGARETTE STICKS SOLD IN FY 2013
BISHOP Full Flavor Soft 100s	
BISHOP Soft 100s (Dark Blue)	
BISHOP Soft 100s (Blue)	
BISHOP Menthol Soft 100s	
BISHOP Menthol Soft 100s (Green)	
BISHOP Full Flavor Box 100s	
BISHOP Box 100s (Dark Blue)	
BISHOP Box 100s (Blue)	
BISHOP Menthol Box 100s	
BISHOP Menthol Box 100s (Green)	
BISHOP Full Flavor Box Kings	
BISHOP Box Kings (Dark Blue)	
BISHOP Box Kings (Blue)	
BISHOP Menthol Box Kings	
BISHOP Menthol Box Kings (Green)	
NIAGARA'S Full Flavor Soft 100s	
NIAGARA'S Soft 100s (Dark Blue)	
NIAGARA'S Soft 100s (Blue)	
NIAGARA'S Menthol Soft 100s	
NIAGARA'S Menthol Soft 100s (Green)	
NIAGARA'S Full Flavor Box 100s	
NIAGARA'S Box 100s (Dark Blue)	
NIAGARA'S Box 100s (Blue)	
NIAGARA'S Menthol Box 100s	
NIAGARA'S Menthol Box 100s (Green)	
NIAGARA'S Full Flavor Box Kings	
NIAGARA'S Box Kings (Dark Blue)	
NIAGARA'S Box Kings (Blue)	
NIAGARA'S Menthol Box Kings	
NIAGARA'S Menthol Box Kings (Green)	
GREAT COUNTRY Soft 100s Full Flavor	
GREAT COUNTRY Soft 100s Dark Blue	
GREAT COUNTRY Soft 100s Blue	
GREAT COUNTRY Soft 100s Menthol	
GREAT COUNTRY Soft 100s Green	
GREAT COUNTRY 100s Box Full Flavor	
GREAT COUNTRY 100s Box Dark Blue	
GREAT COUNTRY 100s Box Blue	
GREAT COUNTRY 100s Box Menthol	
GREAT COUNTRY 100s Box Green	
GREAT COUNTRY Box Kings Full Flavor	
GREAT COUNTRY Box Kings Dark Blue	
GREAT COUNTRY Box Kings Blue	
GREAT COUNTRY Box Kings Menthol	
GREAT COUNTRY Box Kings Green	
COOL HARBOR Soft 100s Menthol	
COOL HARBOR Soft 100s Green	
COOL HARBOR 100s Box Menthol	
COOL HARBOR 100s Box Green	
COOL HARBOR King Box Menthol	
COOL HARBOR King Box Green	
TOTAL STICKS FY 2013	

SCHEDULE C

DISCONTINUED BRAND STYLE

BISHOP Full Flavor Soft 100s
BISHOP Soft 100s (Dark Blue)
BISHOP Soft 100s (Blue)
BISHOP Menthol Soft 100s
BISHOP Menthol Soft 100s (Green)
BISHOP Full Flavor Soft Kings
BISHOP Soft Kings (Dark Blue)
BISHOP Soft Kings (Blue)
BISHOP Menthol Soft Kings
BISHOP Menthol Soft Kings (Green)
NIAGARA'S Full Flavor Soft Kings
NIAGARA'S Soft Kings (Dark Blue)
NIAGARA'S Soft Kings (Blue)
NIAGARA'S Menthol Soft Kings
NIAGARA'S Menthol Soft Kings (Green)
GREAT COUNTRY Soft Kings Full Flavor
GREAT COUNTRY Soft Kings Dark Blue
GREAT COUNTRY Soft Kings Blue
GREAT COUNTRY Soft Kings Menthol
GREAT COUNTRY Soft Kings Green
GREAT COUNTRY Soft 100s Full Flavor
GREAT COUNTRY Soft 100s Dark Blue
GREAT COUNTRY Soft 100s Blue
GREAT COUNTRY Soft 100s Menthol
GREAT COUNTRY Soft 100s Green
COOL HARBOR Soft Kings Menthol
COOL HARBOR Soft Kings Green
COOL HARBOR Soft 100s Menthol
COOL HARBOR Soft 100s Green

SCHEDULE D

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



Division of
Advertising Practices

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

June 24, 2014

Ms. Meghan Murphy Beakman
D Cube LLC d/b/a Sovereign Tobacco Co.
55 Territory Road
Oneida, NY 13421

Dear Ms. Beakman:

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 D Cube LLC d/b/a Sovereign Tobacco Co. ("Sovereign") on June 11, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bishop, Niagara's, Great Country, and Cool Harbor brands of cigarettes.

Sovereign'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 24 and June 17, 2010 (Bishop), February 9 and 28, 2011 (Great Country), February 9, 2011 (Cool Harbor), and August 19, 2013 (Niagara's) continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.

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

- Ten varieties of the Bishop brand: Full Flavor Kings Box, Dark Blue Kings Box, Menthol Kings Box (in dark green packaging), Green Menthol Kings Box (in light green packaging), Blue Kings Box, Dark Blue 100's Box, Full Flavor 100's Box, Blue 100's Box, Green Menthol 100's Box (in light green packaging), and Menthol 100's Box (in dark green packaging);

¹ As set forth in its June 11, 2014 letter, Sovereign is using colors in the names of a number of its cigarette varieties, and, except as noted below, the color used for a variety's packaging does conform to the color used in its name. We note, however, that color names are not printed on the packaging, and the word "menthol" is not printed on the packaging for many of the menthol varieties.

- Fifteen varieties of the Niagara's brand: Full Flavor Kings Box, Full Flavor 100's Box, Full Flavor 100's Soft, Menthol Full Flavor Kings Box, Menthol Full Flavor 100's Box, Menthol Full Flavor 100's Soft, Dark Blue Kings Box (in purple packaging), Dark Blue 100's Box (in purple packaging), Dark Blue 100's Soft (in purple packaging), Blue Kings Box (in light blue packaging), Blue 100's Box (in light blue packaging), Blue 100's Soft (in light blue packaging), Menthol Green Kings Box (in light green packaging), Menthol Green 100's Soft (in light green packaging), Menthol Green 100's Box (in light green packaging); and
- Ten varieties of the Great Country brand: Full Flavor Box Kings, Box Kings (Dark Blue), Box Kings (Blue), Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Full Flavor Box 100's, Box 100's (Dark Blue), Box 100's (Blue), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green); and
- Four varieties of the Cool Harbor brand: Menthol Box Kings (Dark Green), Menthol Box Kings (Green), Menthol Box 100's (Dark Green), and Menthol Box 100's (Green).

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

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

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

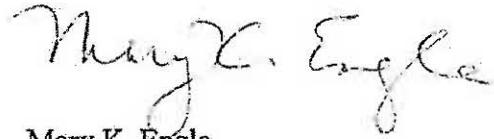
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Meghan Murphy Beakman
June 24, 2014
Page 3

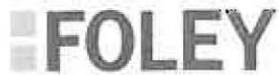
This approval is effective on the date of this letter and runs through June 23, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

If you have any questions regarding this approval, please contact Caitlyn Brady at (202) 326-2848.

Very truly yours,

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

Mary K. Engle
Associate Director



FOLEY & LARDNER LLP

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June 12, 2014

FEDERAL EXPRESS

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

Re: Dosal Tobacco Corporation

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* (the "Cigarette Act"), which requires that any company that sells cigarettes within the United States submit a plan to the Federal Trade Commission (the "FTC") explaining how it will comply with the health warning display requirements, on behalf of Dosal Tobacco Corporation ("Dosal"), we hereby submit the enclosed plan (the "Plan") illustrating how Dosal has and will continue to comply with the requirements of the Cigarette Act. Please note that Dosal intends to rotate the warnings as shown in the enclosed Plan.

Furthermore, enclosed please find samples of the boxes and cartons for the brand styles currently manufactured by Dosal which are as follows: (1) DTC Full Flavor 100's Box, (2) DTC Gold 100's Box, (3) DTC Menthol Gold 100's Box, (4) DTC Silver 100's Box, (5) DTC Full Flavor Kings Box, (6) DTC Gold Kings Box, (7) DTC Menthol Kings Box, (8) DTC Menthol 100's Box, (9) DTC Non Filter Kings Box, (10) 305's Full Flavor 100's Box, (11) 305's Blue 100's Box, (12) 305's Menthol Gold 100's Box, (13) 305's Menthol 100's Box, (14) 305's Full Flavor Kings Box, (15) 305's Blue Kings Box, (16) 305's Menthol Kings Box, (17) 305's Silver 100's Box, (18) 305's Silver Kings Box, (19) 305's Non-Filter Kings Box, (20) Competidora Full Flavor Box, and (21) Competidora Non Filter Box.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Veronica Vilarchao

Enclosures

**DOSAL TOBACCO CORPORATION'S LABEL
ROTATION PLAN PURSUANT TO THE FEDERAL
CIGARETTE LABELING AND ADVERTISING ACT**

Pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* (the "Cigarette Act"), Dosal Tobacco Corporation ("Dosal"), whose chief executive officer is Ms. Yolanda Nader, and whose principal place of business is 4775 NW 132nd Street, Miami, Florida 33054, submits the following plan (the "Plan") explaining how it will comply with the health warning display requirements of the Cigarette Act.

1. Definitions. As used in the Plan:
 - a. The terms "cigarette", "United States", "package" and "brand style" shall have the meaning specified in the Cigarette Act.
 - b. The term "brand of cigarettes" shall mean those cigarettes of a manufacturer or importer bearing a common identifying brand name or mark. Different styles of a brand of cigarettes, whether differentiated on the basis of size, shape, filtration, packaging, "tar" and nicotine rating, flavoring or other characteristic, shall not be considered a distinct "brand of cigarettes".
 - c. The "effective date" of this Plan shall be the date of the Plan's approval.
 - d. The term "calendar quarter" shall mean each of the three (3) month periods commencing January 1, April 1, July 1, and October 1 of each year.
2. Packaging.
 - a. **Warning Label Size and Location:** The brands of cigarettes, including the different brand styles that Dosal manufactures are listed in Exhibit "A" of the Plan. Further, the warnings will appear exactly as shown on the samples that were submitted with the letter of June 12, 2014, displaying examples of the following four (4) warning statements required by the Cigarette Act which are placed on the packages of Dosal brand cigarettes packaged for sale or distribution in the United States:
 - i. **SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

- ii. **SURGEON GENERAL'S WARNING:** Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- iii. **SURGEON GENERAL'S WARNING:** Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
- iv. **SURGEON GENERAL'S WARNING:** Cigarette Smoke Contains Carbon Monoxide.

Packages for each brand of cigarettes manufactured or packaged in the United States by Dosal, shall bear the label statements referenced to above in section 2(a)(i)-(iv) of the Plan.

- b. **Warning Label Rotation:** Section 1333(c)(2) of the Cigarette Act allows manufacturers to seek permission from the FTC to display the four (4) warnings an equal number of times during the year on a brand style's packaging if the company meets the low volume sales threshold established by the Cigarette Act. To meet the low volume sales requirement established by the Cigarette Act, the annual sales of each of a company's brand styles in its prior fiscal year must be less than one-fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in that fiscal year (for calendar year 2013, approximately 682.5 million cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's Full Flavor 100's Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2013 and forecasts that it will meet the Low Sales Volume Requirement for 2014 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2013, and Sales Forecast for the year 2014, attached hereto as Exhibit "B").¹ With the exception of the brand style 305's Full Flavor 100's Box, during the year 2013, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2014 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's Full Flavor 100's Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be produced for the packs and cartons of each brand style of Dosal brand cigarettes, which are manufactured and

¹ Please note that Dosal's fiscal year is the same as the calendar year.

distributed in the United States for the one (1) year period beginning from the date of approval of this Plan. All four (4) warnings are printed on the same press sheet with an even distribution.

- ii. At the end of the year, if due to a mechanical failure, or otherwise, the warning statements are not equalized, Dosal will take the necessary steps to insure that the problem is corrected, and the warning statements equalized.

For the brand style 305's Full Flavor 100's Box, Dosal shall rotate the four (4) warnings quarterly on its packaging according to the schedule attached hereto as Exhibit "C." The quarterly rotation shall be based on the date that the cigarettes are packaged.

3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.
4. Advertisements. Dosal's advertising plan is in place and will not change from its prior submissions to the FTC. Dosal will maintain compliance with its advertising plan.
 - a. **Adherence to the 1985 Plans:** For its advertising, Dosal will use the warning formats submitted with the 1985 plans of the five (5) leading United States cigarette manufacturers, and will place the warnings as specified in those plans.
 - b. **Acetates:** Dosal has purchased Warning Statements Exhibits 1-7, copies of which were previously submitted to the FTC. All warnings on advertisements will appear exactly as shown on the acetates previously submitted to the FTC and corresponding to the size of the advertisement.
 - c. **Size of Advertisements:** Dosal will not engage in advertisements for any brand style which exceed 10 square feet.
 - d. **Warning Label Rotation:** Dosal will rotate the warnings on advertisements quarterly according to the schedule attached hereto as Exhibit "C".
 - e. **Company or Multiple Brand Advertising:** In the event that Dosal engages in Company or multiple brand advertising, Dosal will use

the rotation schedule for the first brand listed in Exhibit "C" of the Plan.

- f. **Internet Advertising:** At this time, Dosal does not engage in advertising on the internet, however, if Dosal does begin to advertise on the internet, Dosal will then submit a plan to the FTC regarding internet advertising for approval.

EXHIBIT "A"
DOSAL TOBACCO CORPORATION
BRAND CIGARETTES AND BRAND STYLES

1. DTC

- a. DTC Full Flavor 100's Box;
- b. DTC Gold 100's Box;
- c. DTC Menthol Gold 100's Box;
- d. DTC Silver 100's Box;
- e. DTC Full Flavor Kings Box;
- f. DTC Gold Kings Box;
- g. DTC Menthol Kings Box;
- h. DTC Menthol 100's Box; and
- i. DTC Non Filter Kings Box.

2. 305's

- a. 305's Full Flavor 100's Box;
- b. 305's Blue 100's Box;
- c. 305's Menthol Gold 100's Box;
- d. 305's Menthol 100's Box;
- e. 305's Full Flavor Kings Box;
- f. 305's Blue Kings Box;
- g. 305's Menthol Kings Box;
- h. 305's Silver 100's Box;
- i. 305's Silver Kings Box; and
- j. 305's Non-Filter Kings Box.

3. **COMPETIDORA**

- a. Competidora Full Flavor Box; and
- b. Competidora Non Filter Box.

EXHIBIT "B"

**DOSAL TOBACCO CORPORATION
SALES VOLUME REPORT FOR 2013 AND SALES
FORECAST FOR 2014 FOR ALL BRAND STYLES**

2013 SALES REPORT AND 2014 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2013</u>	<u>Number of Sticks 2013</u>	<u>Projected Carton Sales 2014</u>	<u>Projected Sales in Sticks 2014</u>
305FFKBX	/ 305's	Full Flavor Kings Box				
305FFYBX	/ 305's	Full Flavor 100's Box				
305BLKBX	/ 305's	Blue Kings Box				
305BLYBX	/ 305's	Blue 100's Box				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MNKBX	/ 305's	Menthol Kings Box				
305MNYBX	/ 305's	Menthol 100's Box				
305NFKBX	/ 305's	Non Filter Kings Box				
305SVYBX	/ 305's	Silver 100's Box				
305SVKBX	/ 305's	Silver Kings Box				
COMCFKBX	/ Competidora	Full Flavor				
COMNFKBX	/ Competidora	Non-Filter				
DTCFFKBX	/ DTC	Full Flavor Kings Box				
DTCFFYBX	/ DTC	Full Flavor 100's Box				
DTCGDKBX	/ DTC	Gold Kings Box				
DTCGDYBX	/ DTC	Gold 100's Box				
DTCMGYBX	/ DTC	Menthol Gold 100's Box				
DTCNFKBX	/ DTC	Non Filter Kings Box				

DTC SVYBX / DTC

Silver 100's Box

DTC MNKBX / DTC

Menthol Kings Box

DTC MNYBX / DTC

Menthol 100's Box

TOTAL:



EXHIBIT "C"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE

<u>Brand</u>	<u>QTR 1</u>	<u>QTR 2</u>	<u>QTR 3</u>	<u>QTR 4</u>
DTC	A	B	C	D
305's	B	C	D	A
Competidora	D	A	B	C

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

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

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

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

Selected packaging samples from those
submitted with the plan.

305's

FULL FLAVOR KINGS
MADE IN U.S.A.

305's

FULL FLAVOR KINGS

MADE IN U.S.A.
FULL FLAVOR KINGS

305's

305's

FULL FLAVOR KINGS

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

SPD
307

SALES TO
MINORS
PROHIBITED

MFG. BY
NYSAL TOBACCO CORP.
MIAMI, FLORIDA, USA
100-444-7172
20 Class A Cigarettes
TP-FL-762



MFG. BY
DOSAL TOBACCO CORP.
MIAMI, FLORIDA USA
800-434-7172
TP-FL-762
200 Class A Cigarettes

305'S[®]

MENTHOL 100's

M A D E I N U . S . A

305'S[®]

MENTHOL 100's

M A D E I N U . S . A

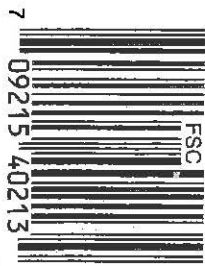
SALES TO
MINORS
PROHIBITED

MENTHOL 100's

M A D E I N U . S . A

305'S[®]

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



M A D E I N U . S . A

MENTHOL 100's

BOX

BOX

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



FULL FLAVOR

CUBAN BLEND

COMPETIDORA
PERMIT NO. TP-PL-762
DOSAL TOBACCO CORP.
MIAMI, FLORIDA
800-434-7172



SPD
305

Competidora

CUBAN BLEND



FULL FLAVOR

7 1273-00
WN-B

Competidora

Competidora

SALES TO
MINORS
PROHIBITED

Competidora

MADE IN USA
20
CIGARETTES

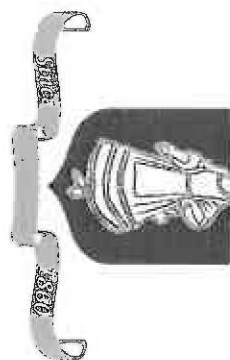
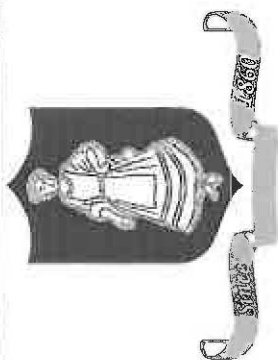
COMPETIDORA

NON FILTER

CUBAN BLEND

NON FILTER

COMPETIDORA



COMPETIDORA

NON FILTER

CUBAN BLEND



MFG. BY
DOSAL TOBACCO CORP.
MIAMI, FLORIDA USA
800-434-7172
TP-FL-762
200 Class A Cigarettes

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

BOX

BOX

SALES TO
MINORS
PROHIBITED

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



MEG. BY
DOSAL TOBACCO CORP.
MIAMI, FLORIDA, USA
800-434-7172

20 Class A Cigarettes

MENTHOL GOLD *100's*
MADE IN USA



7 09215 62365 2

SPD
101

MENTHOL GOLD
100's BOX

MADE IN USA

MENTHOL GOLD
100's



62365-00
WN-C



MENTHOL GOLD
100's BOX

SALES TO MINORS
PROHIBITED



TP-FL-762

MFG. BY
DOSAL TOBACCO CORP.
MIAMI, FLORIDA USA
800-434-7172

TP-FL-762



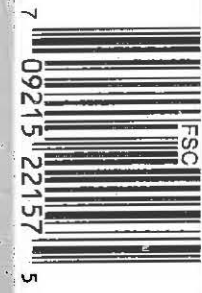
FULL FLAVOR
Kings BOX

200 CLASS A CIGARETTES



FULL FLAVOR
BOX

MADE IN USA



SALES TO
MINORS
PROHIBITED



FULL FLAVOR
Kings BOX

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

MADE IN USA

FULL FLAVOR
BOX



Division of
Advertising Practices

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

June 27, 2014

Ms. Veronica Vilarchao
Foley & Lardner LLP
2 South Biscayne Blvd.
Suite 1900
Miami, FL 33131

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of Dosal Tobacco Corp. ("Dosal") on June 12, 2014, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305's, and Competidora brands of cigarettes.

Dosal's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the 305's Full Flavor 100's Box variety,¹ and the warnings on the sample packs and cartons submitted with your letter dated June 12, 2014 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

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

- Nine Box varieties of the DTC brand: Full Flavor (Kings and 100's), Gold (Kings and 100's), Silver 100's, Menthol Gold 100's, Menthol (Kings and 100's), and Non-Filter Kings;
- Nine Box varieties of the 305's brand: Full Flavor Kings, Blue (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), Menthol Gold 100's, and Non-Filter Kings; and

¹ By letter dated June 22, 2011, this variety was approved for quarterly rotation, which does not need to be re-approved annually.

² Dosal stated in its June 12, 2014 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

- Two Box varieties of the Competidora brand: Full Flavor Kings and Non-Filter Kings.

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

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

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

This approval is effective on the date of this letter and runs through June 26, 2015, or until the authority to approve cigarette health warning statement plans moves from the FTC to the FDA, whichever comes first.

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

Very truly yours,


Mary K. Engle
Associate Director

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