



Division of
Advertising Practices

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

MEMORANDUM

TO: Public Records
Office of the Secretary

FROM: Bonnie McGregor
Division of Advertising Practices

DATE: October 5, 2023

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. April 7, 2021 from Travis G. Heron, Seneca Manufacturing Company to Advertising Practices.
2. April 8, 2021 from Serena Viswanathan to Travis G. Heron, Seneca Manufacturing Company.
3. February 23, 2021 letter from Victoria Spier Evans, Liggett Group LLC to Mary K. Engle.
4. April 9, 2021 letter from Serena Viswanathan to Victoria Spier Evans, Liggett Group LLC.
5. April 12, 2021 letter from Lance Morgan, Rock River Manufacturing to Serena Viswanathan.
6. April 12, 2021 letter from Serena Viswanathan to Lance Morgan, Rock River Manufacturing.
7. April 12, 2021 letter from Paige S. Fitzgerald on behalf of Native Trading Associates, LLC to Serena Viswanathan.

8. April 23, 2021 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Native Trading Associates, LLC.
9. April 20, 2021 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to Division of Advertising Practices.
10. April 23, 2021 letter from Serena Viswanathan to Heather Enyart, Seneca-Cayuga Tobacco Company.
11. April 27, 2021 letter from Barry M. Boren on behalf of Konci Group (USA), Inc. to Serena Viswanathan.
12. April 30, 2021 letter from Serena Viswanathan to Barry M. Boren on behalf of Konci Group (USA), Inc.
13. May 25, 2021 letter from Geraldine Bowen Barker, ITG Brands, LLC to Serena Viswanathan.
14. June 11, 2021 letter from Serena Viswanathan to Geraldine Bowen Barker, ITG Brands, LLC.
15. June 11, 2021 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Serena Viswanathan.
16. June 16, 2021 letter from Serena Viswanathan to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.

SENECA MANUFACTURING COMPANY

MAKERS OF HERON CIGARETTES



PO Box 496
175 Rochester Street
Salamanca, NY 14779

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

April 7, 2021

FEDERAL TRADE COMMISSION
ADVERTISING PRACTICES
MAIL DROP 10528
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
600 PENNSYLVANIA AVENUE
WASHINGTON DC 20580

Re: Heron, Sands, Warrior and Palma Cigarettes Renewal

Dear Ms. Viswanathan:

Please consider this letter our request for annual compliance.

Our plan requests approval for the simultaneous display of the Surgeon General's warnings on packaging for the following brand styles of cigarettes:

Seneca Manufacturing Company will manufacture the Heron, Sands, Warrior and Palma brands in the following varieties:

Heron Cigarettes -
Red 100's Soft Pack
Gold 100's Soft Pack
Silver 100's Soft Pack
Menthol 100's Soft Pack
Menthol Gold 100's Soft Pack

Red 100's Box
Gold 100's Box
Silver 100's Box
Menthol 100's Box
Menthol Gold 100's Box

Red King Size Box
Gold King Size Box
Silver King Size Box
Menthol King Size Box
Menthol Gold King Size Box
Non-Filter King Size Box

Crimson 100's Box

Crimson King Size Box

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
April 7, 2021
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No. 33 Black Red 100's Box
No. 33 Black Gold 100's Box
No. 33 Black Menthol 100's Box

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

Sands Cigarettes

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

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

Warrior Cigarettes

Red 100's Box
Gold 100's Box
Menthol 100's Box

Red King Size Box
Gold King Size Box
Menthol King Size Box

Palma Cigarettes –

Red 100's Box
Gold 100's Box
Menthol 100's Box

Red King Size Box
Gold King Size Box
Menthol King Size Box

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

The warnings on the packs and cartons of each brand style will appear exactly as shown in the samples most recently provided to your office with our letters dated December 9, 2016, January 11, 2017, February 14, 2017, April 5, 2017, April 21, 2017, January 29, 2019 and March 6, 2019. Although some of the warnings submitted on December 9, 2016 and April 5, 2017 were not sufficiently clear and conspicuous, corrected samples were provided later.

Seneca Manufacturing Company's low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331. The sales for all brand styles that we imported or manufactured for our 2020 fiscal year (calendar year ending December 31, 2020) are set out in Exhibit B. The anticipated 2021 sales are set out in Exhibit A. Seneca Manufacturing Company imports only the Heron Non-Filter King Size Box style of cigarettes. Seneca Manufacturing Company manufactures all of the other styles of cigarettes noted above.

FEDERAL TRADE COMMISSION
MS SERENA VISWANATHAN, ASSOCIATE DIRECTOR
RE: HERON, SANDS, WARRIOR AND PALMA CIGARETTES RENEWAL
April 7, 2021
PAGE 3

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

To ensure the cigarette health warnings appear on the Heron, Sands, Warrior and Palma 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. There are approximately 200 units between warning labels. Seneca Manufacturing Company will maintain records of compliance with the approved plan.

We will continue to advertise according to our plan approved by the FTC on December 19, 2007 (Heron) and November 8, 2011 (Sands). At this point in time, there is no plan to advertise the Warrior and Palma brands of cigarettes. If Seneca Manufacturing does want to advertise these brands, we will submit a plan for approval before engaging in any advertising.

Seneca Manufacturing Company has an agreement with the manufacturer of the Heron Non-Filter King style that for every pallet sent, the four (4) cigarette health warnings will be rotated an equal number of times, with approximately 200 units between each warning. Towards the end of the year, if it appears that any of the warnings have not been issued an equal number of times, Seneca Manufacturing Company will place an order of the specific warning label(s) that need to be equalized. This practice will be utilized for the styles that are imported and for those that Seneca Manufacturing Company manufactures.

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

Sincerely,

SENECA MANUFACTURING COMPANY



Travis G. Heron
Partner

EXHIBIT A Estimated Sales 2021

Type	Description	Total Sticks Estimated
HERON	No. 33 Black Red King Box	
HERON	No. 33 Black Gold King Box	
HERON	No. 33 Black Menthol King Box	
HERON	No. 33 Black Red 100 Box	
HERON	No. 33 Black Gold 100 Box	
HERON	No. 33 Black Menthol 100 Box	
HERON	Crimson King Box	
HERON	Crimson 100 Box	
HERON	Red King Box	
HERON	Gold King Box	
HERON	Gold 100 SP	
HERON	Silver King Box	
HERON	Menthol King Box	
HERON	Menthol Gold King Box	
HERON	Red 100 Box	
HERON	Red 100 SP	
HERON	Gold 100 Box	
HERON	Silver 100 Box	
HERON	Silver 100 SP	
HERON	Menthol 100 Box	
HERON	Menthol 100 SP	
HERON	Menthol Gold 100 Box	
HERON	Menthol Gold 100 SP	
HERON	Non-Filter King Box	
PALMA	Red King Box	
PALMA	Gold King Box	
PALMA	Menthol King Box	
PALMA	Red 100 Box	
PALMA	Gold 100 Box	
PALMA	Menthol 100 Box	
SANDS	Red King Box	
SANDS	Gold King Box	
SANDS	Silver King Box	
SANDS	Menthol King Box	
SANDS	Menthol Blue King Box	
SANDS	Red 100 Box	
SANDS	Gold 100 Box	
SANDS	Silver 100 Box	
SANDS	Menthol 100 Box	
SANDS	Menthol Blue 100 Box	
WARRIOR	Red King Box	
WARRIOR	Gold King Box	
WARRIOR	Menthol King Box	
WARRIOR	Red 100 Box	
WARRIOR	Gold 100 Box	
WARRIOR	Menthol 100 Box	

EXHIBIT B

Actual Sales 2020

Type	Description	Total Sticks Sold
HERON	No. 33 Black Red King Box	
HERON	No. 33 Black Gold King Box	
HERON	No. 33 Black Menthol King Box	
HERON	No. 33 Black Red 100 Box	
HERON	No. 33 Black Gold 100 Box	
HERON	No. 33 Black Menthol 100 Box	
HERON	Crimson King Box	
HERON	Crimson 100 Box	
HERON	Red King Box	
HERON	Gold King Box	
HERON	Gold 100 SP	
HERON	Silver King Box	
HERON	Menthol King Box	
HERON	Menthol Gold King Box	
HERON	Red 100 Box	
HERON	Red 100 SP	
HERON	Gold 100 Box	
HERON	Silver 100 Box	
HERON	Silver 100 SP	
HERON	Menthol 100 Box	
HERON	Menthol 100 SP	
HERON	Menthol Gold 100 Box	
HERON	Menthol Gold 100 SP	
HERON	Non-Filter King Box	
PALMA	Red King Box	
PALMA	Gold King Box	
PALMA	Menthol King Box	
PALMA	Red 100 Box	
PALMA	Gold 100 Box	
PALMA	Menthol 100 Box	
SANDS	Red King Box	
SANDS	Gold King Box	
SANDS	Silver King Box	
SANDS	Menthol King Box	
SANDS	Menthol Blue King Box	
SANDS	Red 100 Box	
SANDS	Gold 100 Box	
SANDS	Silver 100 Box	
SANDS	Menthol 100 Box	
SANDS	Menthol Blue 100 Box	
WARRIOR	Red King Box	
WARRIOR	Gold King Box	
WARRIOR	Menthol King Box	
WARRIOR	Red 100 Box	
WARRIOR	Gold 100 Box	
WARRIOR	Menthol 100 Box	



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

Division of
Advertising Practices

April 8, 2021

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

Dear Mr. Heron:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca Manufacturing Company (“Seneca”) on April 7, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Heron, Palma, Sands, and Warrior brands of cigarettes.

Seneca’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with Seneca’s 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>
Heron	December 9, 2016 January 11, 2017 April 5, 2017 April 21, 2017
Palma	January 29, 2019

¹ Seneca stated in its April 7, 2021 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 cartons submitted on December 9, 2016 and April 5, 2017 did not meet the size requirements of the Cigarette Act or were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

<u>Brand</u>	<u>Date(s)</u>
Sands	December 9, 2016 February 14, 2017
Warrior	March 6, 2019

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

- Twenty-four varieties of the Heron brand: Red Kings Box, Red 100's (Box and Soft Pack), Gold Kings Box, Gold 100's (Box and Soft Pack), Silver Kings Box, Silver 100's (Box and Soft Pack), Menthol Kings Box, Menthol 100's (Box and Soft Pack), Menthol Gold Kings Box, Menthol Gold 100's (Box and Soft Pack), Crimson King Box, Crimson 100's Box, No. 33 Black Gold Kings Box, No. 33 Black Gold 100's Box, No. 33 Black Red Kings Box, No. 33 Black Red 100's Box, No. 33 Black Menthol Kings Box, No. 33 Black Menthol 100's Box, and Non-Filter Kings box;
- Six Box varieties of the Palma brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's);
- Ten Box varieties of the Sands brand: Red (Kings and 100's), Gold (Kings and 100's), Silver (Kings and 100's), Menthol (Kings and 100's), and Menthol Blue (Kings and 100's); and
- Six Box varieties of the Warrior brand: Red (Kings and 100's), Gold (Kings and 100's), and Menthol (Kings and 100's).

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

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

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. Travis G. Heron
April 8, 2021
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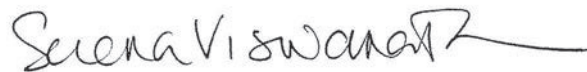
Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through April 7, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director



Liggett Group

Victoria Spier Evans
Vice President & General Counsel

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

February 23, 2021

BY FTP

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: Renewal of Liggett Group LLC Cigarette Warning Rotation Plan
Approved April 15, 2020

Dear Ms. Engle:

Liggett Group LLC (“Liggett”) hereby applies for approval of its Label Statement Rotation Plan (“Plan”) pursuant to the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331 *et seq.* (“Act”) for certain brand styles of the brands BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID (except for the one brand style discussed below), and TOURNEY, that were included in our Plan approved by the FTC by letter dated April 15, 2020 and will expire on April 14, 2021.

Except for the brand style PYRAMID Red 100s Box discussed below, which is 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. This application is for a one-year period beginning on the date of approval of this application. Liggett requests renewal of the Plan with respect to all brand styles listed on Exhibit B except for the brand style PYRAMID Red 100s Box which is subject to quarterly warning rotation.

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

One Liggett brand style previously ceased to qualify for simultaneous warning rotation because its unit sales volume in the relevant fiscal year exceeded one-quarter of one percent of the total United States cigarette market. This brand style is PYRAMID Red 100s Box. Liggett's plan for quarterly rotation of the four warnings on packaging of this brand style was approved by the FTC by letter dated June 10, 2011.

Enclosed with my letter of February 23, 2021 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 2020). This information shows that, with the exception of PYRAMID Red 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2020 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 PYRAMID Red 100s Box brand style identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for PYRAMID Red 100s Box, the warnings required by the Act will be printed on the packs and cartons of all brand styles for which renewal is requested an equal number of times within the one-year period beginning on the date of approval of this application. These warnings will appear exactly as shown on the sample packaging submitted on September 19, 2017 and April 4, 2019 in connection with Liggett's Plan.

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.

Application to Renew Liggett Group Rotation Plan
February 23, 2021
Page 3

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

Very truly yours,



Victoria Spier Evans

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF VICTORIA SPIER EVANS

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

1. I am Vice President & General Counsel of Liggett Group LLC (“Liggett”).
2. On August 31, 1985, Liggett filed its Label Statement Rotation Plan (“Plan”) pursuant to Section 4(c) of the Federal Cigarette Labeling and Advertising Act (“Act”). The Federal Trade Commission approved the Plan on September 19, 1985 and has approved renewals of the Plan every year since then, most recently on April 15, 2020.
3. Under Section 4(c)(2)(A) of the Act and Section 2(d) of the Plan, the Surgeon General’s Warnings on the packaging of a particular brand style may be rotated on a simultaneous basis if: (1) the number of cigarettes of such brand style sold in the fiscal year of Liggett preceding the submission of this application was less than one-fourth of one percent of all cigarettes sold in the United States in such year; and (2) more than one-half of the cigarettes sold by Liggett in the United States were packaged into brand styles that meet the foregoing requirement. Liggett’s most recent fiscal year was calendar year 2020.
4. Attached to this affidavit as Exhibit A is a copy of “Total Cigarette Industry Shipment Volume Estimation, Results for January 2021,” published by Management Science Associates, Inc., which is a leading compiler and publisher of cigarette industry data. Exhibit A shows that approximately [REDACTED] cigarettes were sold in the United States during calendar year 2020. One quarter of one percent of [REDACTED] cigarettes is approximately [REDACTED] cigarettes.
5. Attached to this affidavit as Exhibit B are the sales figures for calendar year 2020 for all brand styles manufactured by Liggett. Exhibit B shows that all but one brand style manufactured by Liggett had sales in 2020 of fewer than [REDACTED] cigarettes, and more than half of the cigarettes sold by Liggett in 2020 were packaged into brand styles that had sales in 2020 of fewer than [REDACTED] cigarettes. Accordingly, all but one Liggett brand style are eligible for simultaneous warning rotation. The PYRAMID Red 100s Box style had sales over [REDACTED] cigarettes in calendar year 2020 and therefore, does not qualify for simultaneous warning rotation.
6. Accordingly, Liggett is eligible to apply for simultaneous warning rotation as provided in Section 2(d) of the Plan. Pursuant to the Act and the Plan, all Liggett brand styles except PYRAMID Red 100s Box qualify for simultaneous warning rotation.

Victoria Spier Evans
Victoria Spier Evans

Sworn to and subscribed before me,
this 23rd day of February, 2021.

Kimberly Howe
Kimberly Howe
Notary Public, State of North Carolina
My commission expires: January 5, 2023

**Kimberly Howe
Notary Public
Orange County, NC**

February 9, 2021

Exhibit A

TOTAL CIGARETTE INDUSTRY SHIPMENT VOLUME ESTIMATION

Results for January 2021



Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
February 23, 2021**

2020 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2020 Units Sold
1	BRONSON	Full Flavor Filter Kings Box	
2	BRONSON	Full Flavor Filter 100's Box	
3	BRONSON	Gold Kings Box	
4	BRONSON	Gold 100's Box	
5	BRONSON	Silver Kings Box	
6	BRONSON	Full Flavor Menthol Kings Box	
7	BRONSON	Gold Menthol Kings Box	
	TOTAL BRONSON		
1	CLASS A	Non-Filter Kings Box	
2	CLASS A	Full Flavor Filter 100's Box	
3	CLASS A	Filter Kings Box	
4	CLASS A	Filter 100's Box	
5	CLASS A	Blue 100's Box	
6	CLASS A	Menthol Filter Kings Box	
7	CLASS A	Menthol Filter 100's Box	
	TOTAL CLASS A		
1	EVE	Amethyst 120's Box	
2	EVE	Sapphire 120's Box	
3	EVE	Menthol Emerald 120's Box	
4	EVE	Menthol Turquoise 120's Box	
	TOTAL EVE		
1	GRAND PRIX	Non-Filter Classic Kings Box	
2	GRAND PRIX	Filter Red Kings Box	
3	GRAND PRIX	Filter Red 100s Box	
4	GRAND PRIX	Blue Kings Box	
5	GRAND PRIX	Blue 100s Box	
6	GRAND PRIX	Orange 100s Box	
7	GRAND PRIX	Menthol Gold Kings Box	
8	GRAND PRIX	Menthol Gold 100s Box	
9	GRAND PRIX	Menthol Silver 100s Box	
	TOTAL GRAND PRIX		
1	LIGGETT SELECT	Non-Filter Kings Box	
2	LIGGETT SELECT	Red Kings Box	
3	LIGGETT SELECT	Red 100's Box	
4	LIGGETT SELECT	Blue Kings Box	
5	LIGGETT SELECT	Blue 100s Box	
6	LIGGETT SELECT	Orange Kings Box	
7	LIGGETT SELECT	Orange 100s Box	

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
February 23, 2021**

2020 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2020 Units Sold
8	LIGGETT SELECT	Menthol Gold Kings Box	
9	LIGGETT SELECT	Menthol Gold 100's Box	
10	LIGGETT SELECT	Menthol Silver Kings Box	
11	LIGGETT SELECT	Menthol Silver 100's Box	
	TOTAL LIGGETT SELECT		
1	MONTEGO	Red Kings Box	
2	MONTEGO	Red 100s Box	
3	MONTEGO	Blue Kings Box	
4	MONTEGO	Blue 100s Box	
5	MONTEGO	Orange 100s Box	
6	MONTEGO	Menthol Gold Kings Box	
7	MONTEGO	Menthol Gold 100s Box	
8	MONTEGO	Menthol Silver Kings Box	
9	MONTEGO	Menthol Silver 100s Box	
	TOTAL MONTEGO		
1	PYRAMID	Non-Filter Kings Box	
2	PYRAMID	Red Kings Box	
3	PYRAMID	Red 100s Box	
4	PYRAMID	Blue Kings Box	
5	PYRAMID	Blue 100s Box	
6	PYRAMID	Orange Kings Box	
7	PYRAMID	Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	
9	PYRAMID	Menthol Gold 100s Box	
10	PYRAMID	Menthol Silver Kings Box	
11	PYRAMID	Menthol Silver 100s Box	
	TOTAL PYRAMID		
1	TOURNEY	Non-Filter Kings Box	
2	TOURNEY	Full Flavor Kings Box	
3	TOURNEY	Full Flavor 100's Box	
4	TOURNEY	Gold Kings Box	
5	TOURNEY	Gold 100's Box	
6	TOURNEY	Menthol Full Flavor Kings Box	
7	TOURNEY	Menthol Full Flavor 100's Box	
8	TOURNEY	Menthol Gold Kings Box	
9	TOURNEY	Menthol Gold 100's Box	
10	TOURNEY	Slims Blue 120's Box	
11	TOURNEY	Slims Rose 120's Box	

Exhibit B

**Liggett Group LLC
Application to Renew Cigarette Warning Rotation Plan
February 23, 2021**

2020 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	2020 Units Sold
12	TOURNEY	Slims Menthol Teal 120's Box	
	TOTAL TOURNEY		



Division of
Advertising Practices

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

April 9, 2021

Victoria Spier Evans
Vice President & General Counsel
Liggett Group LLC
100 Maple Lane
Mebane, NC 27302

Dear Ms. Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Liggett Group LLC (“Liggett”) on February 23, 2021 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 of the following brand styles appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging,¹ and the warnings on the sample packs and cartons submitted with your September 19, 2017 and April 4, 2019 letters continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.² Accordingly, Liggett’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved:

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

¹ Liggett’s plan for quarterly rotation of the four health warnings on packaging for the Pyramid Red 100’s Box variety was approved on June 10, 2011 and does not require annual approval.

² Liggett stated in its February 23, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

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

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

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.

Victoria Spier Evans

April 9, 2021

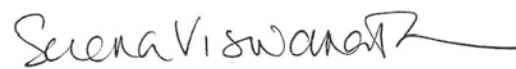
Page 3

menthol) in cigarettes has been prohibited. You can find additional information at www.fda.gov/TobaccoProducts/default.htm and sign up for FDA email updates at <https://www.fda.gov/tobacco-products/ctp-newsroom/sign-email-updates-ctp>.

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



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

April 12, 2021

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

Dear Ms. Viswanathan & Ms. McGregor:

Please find enclosed Rock River Manufacturing's renewal to its existing warning label plan for Silver Cloud, Fire Dance, One Spirit, and Dakota brands of cigarette. On April 16, 2020, Rock River submitted a cigarette health warning display plan for certain Silver Cloud, Fire Dance, Dakota, and One Spirit styles. The plan for Silver Cloud, Fire Dance, One Spirit, and Dakota was approved on April 17, 2020.

I. PACKAGING

This section addresses the plan for compliance with respect to the "Packaging" requirements of the FCLAA with regards to the Silver Cloud, Fire Dance, One Spirit, and Dakota brands including a discussion of the warning label size and location, the warning label equalization and records of compliance.

A. Warning Label Size and Location

Rock River wishes to renew its plan for the following brand styles:

Silver Cloud, Fire Dance, One Spirit, and Dakota

Silver Cloud:

Silver Cloud Red 100 Box
Silver Cloud Gold 100 Box

Silver Cloud Red King Box
Silver Cloud Gold King Box

Serena Viswanathan

Page 2

April 12, 2021

Silver Cloud Silver 100 Box
Silver Cloud Menthol 100 Box
Silver Cloud Menthol Gold 100 Box

Silver Cloud Menthol King Box

Fire Dance:

Fire Dance Regular Full Flavor 100 Box
Fire Dance Regular Smooth 100 Box
Fire Dance Regular Ultra Smooth 100 Box
Fire Dance Menthol 100 Box
Fire Dance Menthol Smooth 100 Box

Fire Dance Regular Full Flavor King Box
Fire Dance Regular Smooth King Box
Fire Dance Menthol King Box

One Spirit:

One Spirit Regular Full Flavor 100 Box
One Spirit Regular Smooth 100 Box
One Spirit Regular Ultra Smooth 100 Box
One Spirit Menthol 100 Box
One Spirit Menthol Smooth 100 Box

One Spirit Regular Full Flavor King Box
One Spirit Regular Smooth King Box
One Spirit Menthol King Box

Dakota:

Dakota Menthol Gold 100's Box
Dakota Menthol 100s Box
Dakota Silver 100s Box
Dakota Red 100s Box
Dakota Gold 100s Box

Dakota Red Kings Box
Dakota Menthol Kings Box
Dakota Gold Kings Box

The cartons and packages were prepared in accordance with the precise wording, capitalization, and punctuation of the warnings under section 1333(a)(1) of the FCLAA and in compliance with the requirements for placement and size of the warnings on the packing under Section 1333(b) of the FCLAA. The required warnings will appear on both the actual packages and cartons of the foregoing Silver Cloud, Fire Dance, and One Spirit brand styles exactly as they appear on the samples that Rock River submitted on February 16, 2017, and on the Dakota brand styles exactly as they appear on the samples that Rock River submitted on August 29, 2018.

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


Rock River wishes to employ the option for simultaneous display of the four health warnings by displaying the four required warning labels an equal number of times on the packages and cartons of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles listed above for the one-year period beginning on the date of approval of this plan. The warnings on all packages have been equalized to-date.

Serena Viswanathan

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April 12, 2021

Rock River's sales figures for all brand styles of the manufactured Silver Cloud, Fire Dance, and Dakota for the fiscal year of January 1, 2020 through December 31, 2020 by style by sticks are as follows:

<u>STYLE</u>	<u>NUMBER OF STICKS</u>
Silver Cloud Red 100s Box	
Silver Cloud Gold 100s Box	
Silver Cloud Silver 100s Box	
Silver Cloud Menthol 100s Box	
Silver Cloud Menthol Gold 100s Box	
Silver Cloud Red King Box	
Silver Cloud Gold King Box	
Silver Cloud Menthol King Box	
Fire Dance Regular Full Flavor 100s Box	
Fire Dance Regular Full Flavor King Box	
Fire Dance Regular Smooth 100s Box	
Fire Dance Regular Smooth King Box	
Fire Dance Menthol 100s Box	
Fire Dance Menthol King Box	
Fire Dance Menthol Smooth 100s Box	
Fire Dance Regular Ultra Smooth 100s Box	
Dakota Red 100s Box	
Dakota Red Kings Box	
Dakota Gold 100s Box	
Dakota Gold King Box	
Dakota Menthol 100s Box	
Dakota Menthol King Box	
Dakota Menthol Gold 100s Box	
Dakota Silver 100s Box	

Rock River also plans to manufacture One Spirit brand  in 2020. In 2020, Rock River did not import or manufacture any other brands or brand styles than those listed above.

Based on the foregoing sales volume, it appears that all of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles qualify for warning label equalization as sales of each of our brand styles were less than one-fourth (1/4th) of one percent (1%) of all the cigarettes sold in the United States.

Serena Viswanathan

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April 12, 2021

Rock River will comply with the Cigarette Act by having its supplier of packaging for its manufactured Silver Cloud, Fire Dance, One Spirit, and Dakota 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 of the Silver Cloud, Fire Dance, One Spirit, and Dakota brand styles above an equal number of times during the one-year period following the date of approval of this plan by the FTC. Rock River will keep records demonstrating compliance with this plan.

C. Records of Compliance

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

II ADVERTISING

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

Rock River does not currently advertise the Dakota brand style on the internet, and if Rock River decides to advertise the Dakota brand style on the internet Rock River will obtain FTC approval prior to advertising.

A. Warning Label Rotation

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

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

Serena Viswanathan

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April 12, 2021

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

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

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

Sincerely,

DocuSigned by:


058D5E63D9604E0...
Lance Morgan
President



Division of
Advertising Practices

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

April 12, 2021

Mr. Lance Morgan
Rock River Manufacturing
509 Reuben Snake Ave.
Winnebago, NE 68071

Dear Mr. Morgan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Rock River Manufacturing (“Rock River”) on April 12, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Dakota, Fire Dance, One Spirit, and Silver Cloud brands of cigarettes.

Rock River’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated February 16, 2017 and August 29, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

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

- Eight box varieties of the Dakota brand: Red (Kings and 100’s), Gold (Kings and 100’s), Silver 100’s, Menthol (Kings and 100’s), and Menthol Gold 100’s;
- Eight box varieties of the Fire Dance brand: Regular Full Flavor (Kings and 100’s), Regular Smooth (Kings and 100’s), Regular Ultra Smooth 100’s, Menthol (Kings and 100’s), and Menthol Smooth 100’s;

¹ Rock River stated in its April 12, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

Mr. Lance Morgan

April 12, 2021

Page 2

- Eight box varieties of the One Spirit Brand: Regular Full Flavor (Kings and 100's), Regular Smooth (Kings and 100's), Regular Ultra Smooth 100's, Menthol (Kings and 100's), and Menthol Smooth 100's; and
- Eight box varieties of the Silver Cloud brand: Red (Kings and 100's), Gold (Kings and 100's), Silver 100's, Menthol (Kings and 100's), and Menthol Gold 100's.

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

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

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

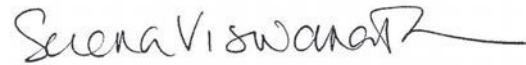
This approval is effective on the date of this letter and runs through April 11, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Mr. Lance Morgan
April 12, 2021
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If you have any questions regarding this approval, please contact Connor Sands at (202) 326-3343.

Very truly yours,

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

Serena Viswanathan
Associate Director

Paige S. Fitzgerald
paige.fitzgerald@troutman.com

April 12, 2021

VIA E-MAIL

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

**Cigarette Health Warning Plan
Native Trading Associates, LLC and NATIVE and MOHAWK brands**

Dear Ms. Viswanathan:

On behalf of Native Trading Associates, LLC (“NTA”), we hereby submit a request to extend the Surgeon General’s Equalization Plan for NTA as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C. § 1331 (1998), *et seq.*), as amended (“FCLAA”), for all styles of NATIVE brand soft and hard pack varieties and MOHAWK hard pack varieties listed below. NTA previously submitted its Plan Renewal on April 30, 2020, for twenty-four (24) previously approved styles of Native and six (6) varieties of Mohawk. Your office approved this plan on April 30, 2020.

Through the date of this application, the Surgeon General’s warnings on the packages for the brand styles of Native and Mohawk brands have been equalized in accordance with the Plan.

Susan Jesmer is the sole member of NTA, and Dan Doran is the Executive Vice President of NTA. NTA is the exclusive manufacturer of the NATIVE and MOHAWK brand cigarettes and holder of the rights to the trademark for these brands.

NTA’s factory remains at 442 Frogtown Road, Hogansburg, New York 13655, and the telephone number is 518-358-4262. NTA does not manufacture or import any other brands.

NTA requests a plan for the following¹:

- **Twenty-four varieties of the Native brand:** Non-Filter Kings soft pack, Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100’s soft pack, Full Flavor Kings hard pack, Full Flavor 100’s hard pack, Menthol Kings soft pack, Menthol 100’s soft pack, Menthol Kings hard pack, Menthol 100’s hard pack, Kings soft pack (Blue), 100’s soft pack (Blue), Kings hard pack (Blue), 100’s hard pack (Blue), Menthol Kings soft pack (Pale Green), Menthol 100’s soft pack (Pale Green), Menthol Kings hard pack (Pale Green), Menthol

¹ Native and Mohawk brand styles previously described as “light blue” or “light green” in color are now referred to as “pale green,” or “pale blue,” but the packaging for the previously-described “light” in color brand styles remains the same. Neither the words “light” nor “pale” appear on any of the packaging.

100's hard pack (Pale Green), Kings soft pack (Ultra in pale blue packaging), 100's soft pack (Ultra in pale blue packaging), Kings hard pack (Ultra in pale blue packaging), 100's hard pack (Ultra in pale blue packaging), Menthol Bold Kings hard pack, and Menthol Bold 100's hard pack; and

- Six Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Pale Green), and Non-Filter Kings (Brown).

In NTA's fiscal year 2020, which is the same as the calendar year, for the Native and Mohawk brands, the number of sticks sold of any one of these brands' styles was less than one-fourth of 1 percent of all the cigarettes sold in the United States in 2020, and sales of none of NTA's Native or Mohawk brand styles exceeded [REDACTED] sticks. In fiscal year 2021, NTA does not anticipate sales of any single brand style of the Native or Mohawk brands to exceed [REDACTED] sticks.

Packs and cartons of each brand style displaying each of the 4 health warnings were submitted on March 19, and August 27, 2018. The warnings will appear exactly as shown on these samples. NTA will equalize the display of the four health warnings on the packs and cartons for each brand style listed above for the one-year period beginning on the date of approval of this Plan.

NTA will ensure that all four (4) Surgeon General's warnings will be equalized on packs and cartons for each brand style in accordance with its method for such equalization, attached as Exhibit A. Based on the above, NTA requests approval to use the equalization option provided in Section 1333(c)(2) of the FCLAA. NTA will keep records demonstrating compliance with this Plan.

NTA's advertising plan for Mohawk was approved on June 10, 2011. NTA's advertising plan for the Native brand was approved on July 22, 2005, and a modification to the plan was approved on February 9, 2011. NTA will maintain compliance with its approved advertising plans. NTA does not employ any multi-brand advertising.

On behalf of NTA, we submit that this Plan complies with the requirements set forth in the FCLAA. Should this request conform to your requirements, we request that the letter evidencing approval be sent by email to paige.fitzgerald@troutman.com. Should you require any additional information with respect to the foregoing, please contact me on my mobile phone, which is 804.938.2570.

Sincerely,


Paige S Fitzgerald


Dan Doran
Executive Vice President
Native Trading Associates, LLC

Attachment

1. Individual King Size Pack
 - a. King Size Hinged Lid Hard Packs are produced 28-up per sheet
 - b. Each Brand Style is produced individually and never in combination
 - c. The printing plates for each brand style shall be divided equally 7-up of each SGW
 - d. Yielding an equal number of each SGW

2. Individual 100's Size Packs
 - a. 100's Size Hinged Lid Hard Packs are produced 21-up per sheet
 - b. Each Brand Style is produced individually and never in combination
 - c. Production of each Brand Style will be broken down into two forms
 - i. 75% of the order will be produced 7-up of each of 3 SGW's
 - ii. 25% of the order will be produced 21-up of the remaining SGW
 - iii. Yielding an equal number of each of the 4 SGW's

3. Soft Pack Labels for King Size and 100's Soft Pack Brand Styles are packed by the supplier in 1,000 label boxes which contain an equal mix of 250 labels for each SGW. Each Brand Style is produced individually and never in combination. Each box yields an equal number of each of the 4 SGW's.

4. Cartons
 - a. Both King Size and 100's Size Cartons are produced 4-up
 - b. Each Brand Style is produced individually and never in combination
 - c. Printing plates for all cartons are divided equally 1-up of each of the 4 SGW's
 - d. Yielding an equal number of each SGW



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

Division of
Advertising Practices

April 23, 2021

Paige S. Fitzgerald, Esq.
Troutman Pepper LLP
1001 Haxall Point, Suite 1500
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Native Trading Associates, LLC (“NTA”) on April 12, 2021, 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 dated March 19 and August 27, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

¹ NTA stated in its April 12, 2021 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on those 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, Non-Filter Kings hard pack, Full Flavor Kings soft pack, Full Flavor 100's soft pack, Full Flavor Kings hard pack, Full Flavor 100's hard pack, Menthol Kings soft pack, Menthol 100's soft pack, Menthol Kings hard pack, Menthol 100's hard pack, Kings soft pack (Blue), 100's soft pack (Blue), Kings hard pack (Blue), 100's hard pack (Blue), Menthol Kings soft pack (Pale Green), Menthol 100's soft pack (Pale Green), Menthol Kings hard pack (Pale Green), Menthol 100's hard pack (Pale Green), Kings soft pack (Ultra in pale blue packaging), 100's soft pack (Ultra in pale blue packaging), Kings hard pack (Ultra in pale blue packaging), 100's hard pack (Ultra in pale blue packaging), Menthol Bold Kings hard pack, and Menthol Bold 100's hard pack; and
- Six Box varieties of the Mohawk brand: Full Flavor Kings (Red), Kings (Gold), Kings (Silver), Menthol Kings (Green), Menthol Kings (Pale 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 ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for NTA's cigarettes, including, but not limited to, "all natural" and "100% additive free." Nor does this letter purport to interpret or express any opinion about the adequacy of NTA's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's April 12, 2021 letter do not always appear on the packaging – *e.g.*, the words "Blue," "Green," "Ultra," "Gold," "Silver," "Brown," and "Pale Green," 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 (Pale Green)" and "Mohawk Menthol (Pale 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.

Paige S. Fitzgerald, Esq.

April 23, 2021

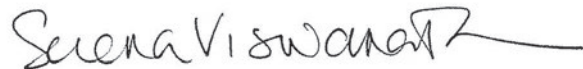
Page 3

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

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



April 20, 2021

Page 1

Division of Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Cigarette Health Warning Plan
Seneca-Cayuga Tobacco Company / SKYDANCER brand.

Dear Ms. Viswanathan

This letter represents a request for renewal of the Label Statement Rotation Plan of Seneca-Cayuga Tobacco Company ("SCTC"), we hereby submit a Surgeon General's Equalization Plan for Skydancer as required under the *Federal Cigarette Labeling and Advertising Act of 1984* (15 U.S.C § 1331 (1998), et seq.), as amended ("FCLAA"), for all styles listed below of Skydancer brand soft pack and hard pack varieties. SCTC previously submitted a 2020 Plan renewal on April 27, 2020 and your office approved the prior plan on May 1, 2020.

SCTC is the manufacturer of Skydancer cigarettes. SCTC does not manufacture or import any other brands. The location of the factory is 65490 East 240 Road, Grove, OK 74344. Heather Enyart is the Compliance Specialist.

SCTC requests that the following styles constitute the plan:

Skydancer Premium Black King (HP), Skydancer Premium Gold King (HP), Skydancer Premium Menthol King (HP), Skydancer Premium Menthol Gold King (HP), Skydancer Premium Silver King (HP), Skydancer Premium Black 100's (SP & HP), Skydancer Premium Gold 100's (SP & HP), Skydancer Premium Menthol 100's (SP & HP), Skydancer Premium Menthol Gold 100's (SP & HP), Skydancer Premium Silver 100's (SP & HP).

In our fiscal year 2020 (October 1, 2019 – September 30, 2020) our total sales were [REDACTED] sticks of the Skydancer brand. Anticipated fiscal year 2021 (October 1, 2020 – September 30, 2021) sales are [REDACTED] sticks of the Skydancer brand. No other brands were sold by SCTC in fiscal year 2020.

The packaging has changed slightly, but the appearance of the warning has not changed since the samples were provided to your office by letter on March 26, 2018. The ink coloring on the panel of the box containing the warning label has not changed on the pack or the carton. The size of the warning label has not changed on the pack or the carton. The only change made by SCTC is the removal of the wording "100% Natural" from the packaging as instructed by FDA. The warnings will appear exactly as shown on the samples previously submitted on March 26, 2018.

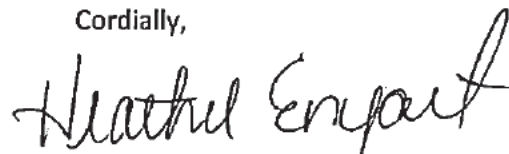
The four health warning labels are printed in equal numbers on each printed sheet of packaging for all of SCTC's packs and cartons so when the sheets are die-cut, each shipment is equalized for each brand style as manufactured.

We will display the four health warnings an equal number of times on the packs and cartons for each brand style of the Skydancer brand for the one year period beginning on the date of approval of this plan. We will keep records demonstrating compliance with this plan.

For advertising materials, there are no changes from the prior plan and SCTC will maintain compliance with the plan.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request expedited approval. Should this request conform to your requirements, we request that the letter evidencing approval be faxed to me at (918) 787-7722. Should you require additional information with respect to the foregoing please contact me at (918) 787-7711.

Cordially,



Heather Enyart
Compliance



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

Division of
Advertising Practices

April 23, 2021

Ms. Heather Enyart
Seneca-Cayuga Tobacco Company
65490 East 240 Road
Grove, OK 74344

Dear Ms. Enyart:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Seneca-Cayuga Tobacco Company (“Seneca-Cayuga”) on April 20, 2021, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Skydancer brand of cigarettes.

Seneca-Cayuga’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letter of March 26, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Seneca-Cayuga’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following fifteen varieties of the Skydancer brand: Premium Black King hard pack; Premium Black 100's (soft pack and hard pack); Premium Gold King hard pack; Premium Gold 100's (soft pack and hard pack); Premium Menthol King hard pack; Premium Menthol 100's (soft pack and hard pack); Premium Menthol Gold King hard pack; Premium Menthol Gold 100's (soft pack and hard pack); Premium Silver King hard pack; and Premium Silver 100's (soft pack and hard pack).

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

¹ Seneca-Cayuga stated in its April 20, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 26, 2018.

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

Ms. Heather Enyart

April 23, 2021

Page 2

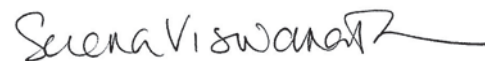
Please note that this letter only approves Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval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

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director

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 27, 2021

Sent via email: bmcgregor@ftc.gov

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

Attention: Bonnie McGregor

Renewal of Surgeon General's Equalization Health Warning Plan for
Konci 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 Group (USA), Inc. ("Konci"), a New York corporation with offices located at 202 Canal Street, Suite 901, New York, NY 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 our submission of March 23, 2018. The health warnings will continue to appear exactly as shown on the samples provided. The Surgeon General warnings on the brand styles listed in the attachment at Exhibit "A" have been equalized as of this date.

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

In fiscal year 2020, Konci manufactured approximately [REDACTED] Golden Deer brand cigarettes.² In fiscal year 2021 to date, it has manufactured [REDACTED] Golden Deer brand cigarettes. Konci anticipates manufacturing approximately [REDACTED] Golden Deer cigarettes in fiscal year 2021.

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 2020, Konci [REDACTED] import or manufacture any sticks of Chung Hwa cigarettes [REDACTED]. In fiscal year 2021 to date, Konci [REDACTED] imported or manufactured any Chung Hwa brand cigarettes [REDACTED]. In fiscal year 2021, Konci anticipates importing approximately [REDACTED] sticks of Chung Hwa brand cigarettes. It does not plan on manufacturing any Chung Hwa brand cigarettes.

In fiscal year 2020, Konci imported approximately [REDACTED] sticks of Double Happiness brand cigarettes. In fiscal year 2021 to date, Konci has imported approximately [REDACTED] sticks of Double Happiness brand cigarettes. In fiscal year 2021, Konci anticipates importing approximately [REDACTED] sticks Double Happiness brand cigarettes. It does not plan on manufacturing any Double Happiness brand cigarettes. Konci does not import or manufacture any other brands.

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.

For the Golden Deer brand styles listed on Exhibit A, Konci will print all four (4) health warnings in equal numbers on each printed sheet of packaging for all of its cartons and

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

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.

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.

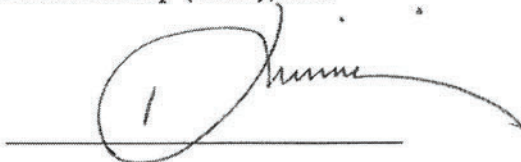
Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

Konci Group (USA), Inc.



By Dominic Chu, President

KONCI 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

April 30, 2021

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Konci Group (USA), Inc. (“Konci”) on April 27, 2021, 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 of March 23, 2018 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, 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 27, 2021 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on March 23, 2018. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

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

Barry M. Boren, Esq.

April 30, 2021

Page 2

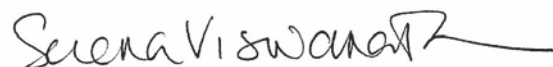
Please note that this letter only approves Konci's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of 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 TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

This approval is effective on the date of this letter and runs through April 29, 2022 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director



May 25, 2021

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

RE: ITG Brands, LLC
Packaging Revisions for Winston Packs and Cartons

Dear Ms. Viswanathan:

ITG Brands, LLC ("ITG Brands") currently has approved plans to rotate the four health warnings on packaging for certain varieties of the Kool, Maverick, Salem and Winston cigarette brands. ITG Brands does not import or manufacture any other cigarette brands¹.

ITG Brands hereby requests approval of a plan revision relating to the packs and cartons for the following ten brand styles of Winston, which are identified below.

1. Winston Red Kings Box
2. Winston Red Box 100s
3. Winston Gold Kings Box
4. Winston Gold Box 100s
5. Winston White Kings Box
6. Winston White Box 100s
7. Winston Black Kings Box
8. Winston Black Box 100s
9. Winston Menthol Kings Box
10. Winston Menthol Box 100s

Sample packs and cartons are included with this letter for your review and approval.

The revision is being requested as the pack and carton packaging has been redesigned to (i) update certain design elements and (ii) reposition certain information such as the descriptors. The new packs and cartons for the above ten brand styles of Winston will replace the Winston packs and cartons that are currently approved by the FTC. The four health warnings will appear exactly as shown on the samples as submitted with this letter. The four health warnings read precisely as required by the Federal Cigarette Labeling and Advertising Act.

¹ ITG Brands currently contract manufactures Commonwealth Brands, Inc. cigarette brands.

The new packaging will not alter the quarterly rotation of the four health warnings under ITG Brands' previously approved plan for Winston (approval letter dated June 12, 2015) and ITG Brands will rotate the warnings quarterly on the above-referenced packs and cartons according to the rotation schedule in Exhibit A-1 of our June 11, 2015 plan. If approved, ITG Brands expects to begin utilizing the packs and cartons submitted with this letter during the 3rd calendar quarter of 2021. ITG Brands will continue to be in compliance with the previously approved June 11, 2015, December 21, 2015 and November 11, 2016 plans for advertising the Winston brand.

If you require any additional information, please contact me.

Sincerely,

Geraldine Bowen Barker

714 Green Valley Road
Greensboro, NC 27408
Office Phone: 336-335-7260
Cell: 804-258-2961
Geraldine.bowen@itgbrands.com

Selected packaging samples from those
submitted with the plan.

ITG Brands LLC
Greensboro, NC
27420 USA

THESE CIGARETTES
DO NOT PRESENT A
REDUCED RISK OF
HARM COMPARED TO
OTHER CIGARETTES.



100% PLANT-BASED MENTHOL
NATURALLY SMOOTH

EST.
★ 54 ★
N. CAROLINA, USA

SURGEON GENERAL'S WARNING:

Quitting Smoking Now
Greatly Reduces Serious
Risks to Your Health.

3006071
WN/B



Winston
NATURALLY SMOOTH

N. CAROLINA, USA

★ 54 ★
EST.

100% PLANT-BASED MENTHOL
NATURALLY SMOOTH



Winston

Winston
NATURALLY SMOOTH



UNDERAGE
SALE
PROHIBITED



CLASS A
20
CIGARETTES

Winston

Questions? Comments?
CALL 1-866-233-6527
OR VISIT winstoncigarettes.com
PLEASE DON'T LITTER

Winston

PREMIUM BLEND
BOLD & SMOOTH



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

Winston

BOLD & SMOOTH



Winston

PREMIUM BLEND
BOLD & SMOOTH



EST. 54



Division of
Advertising Practices

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

June 11, 2021

Geraldine Bowen Barker, Esq.
ITG Brands, LLC
714 Green Valley Road
Greensboro, NC 27408

Dear Ms. Barker:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, ITG Brands, LLC’s (“ITG”) June 11, 2015 plan for quarterly rotation of the four health warnings on packaging and in advertising for the Winston, Salem, Kool, and Maverick brands of cigarettes was approved. Your subsequent requests to expand your plan to include additional varieties of, or modify packaging for, the Winston brand were approved on September 2, 2015, November 12, 2015, May 26, 2016, October 13, 2016, January 23, 2017, May 7, 2018, December 18, 2018, and May 14, 2020.

By letter dated May 25, 2021, you now propose to modify the packs and cartons for certain varieties of the Winston brand of cigarettes.

The warnings on the sample packs and cartons for the Red Box (Kings and 100’s), Gold Box (Kings and 100’s), White Box (Kings and 100’s), Black Box (Kings and 100’s), and Menthol Box (Kings and 100’s) varieties of the Winston brand submitted with your May 25, 2021 letter continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Please note that this letter only approves ITG’s submitted packaging modifications with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”) and expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any

¹ As set forth in its May 25, 2021 letter, ITG is using colors to identify its cigarette varieties (*e.g.*, “Red Box 100’s”). We note that the color names are not printed on the packaging (*e.g.*, the word “Red” does not appear on the packaging of the “Red Box 100’s” variety); however, the color used for a variety’s packaging does conform to the color used in its name.

Geraldine Bowen Barker, Esq.

June 11, 2021

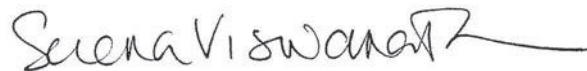
Page 2

other design element, statement, or representation made on packaging or in advertising for ITG's cigarettes, including, but not limited to, "100% plant-based menthol," and "Naturally Smooth." Nor does this letter purport to interpret or express any opinion about the adequacy of ITG's packaging and advertising under the TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (published March 19, 2010) or FDA's final rule, "Required Warnings for Cigarette Packages and Advertisements" (published March 18, 2020).

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

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

Very truly yours,

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

Serena Viswanathan
Associate Director



VERONICA VILARCHAO
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 415-9070
FAX (305) 347-7897
EMAIL VVilarchao@shutts.com

June 11, 2021

VIA EMAIL

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

Re: Dosal Tobacco Corporation

Dear Ms. Viswanathan:

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 manufacturers or imports cigarettes into the United States submit a plan to the Federal Trade Commission 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.

If you have any questions regarding the enclosed Plan, or if I can be of any other assistance, please do not hesitate to contact me.

Best regards,

Shutts & Bowen LLP

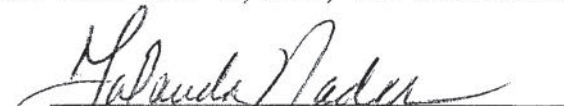


Veronica Vilarchao

Enclosure

AUTHORIZATION

All information submitted in the enclosed Plan dated June 11, 2021, was reviewed and authorized by me.



Yolanda Nader, Chief Executive Officer

**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. Dosal does not import any cigarettes. 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 cigarettes manufactured and packaged by Dosal 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 for distribution 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 2020, approximately [REDACTED] 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 styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, Dosal meets the Low Sales Volume Requirement based on its sales in 2020 and forecasts that it will meet the Low Sales Volume Requirement for 2021 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2020, and Sales Forecast for the year 2021, attached hereto as Exhibit "B").¹ With the exception of the brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, during the year 2020, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2021 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box, Dosal wishes to equalize the warning statements on all brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be displayed on the packs and cartons of each brand style of

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

Dosal's cigarettes, which are manufactured and 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.

As approved by the FTC on June 22, 2011, for the brand style 305's Full Flavor 100's Box, and as approved by the FTC on June 3, 2020, for the brand style, 305's Full Flavor Kings Box, Dosal has been rotating and shall continue to rotate the four (4) warnings quarterly on its packaging for these brand styles according to the schedule attached hereto as Exhibit "C".

The quarterly rotation for brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box 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, except for multiple brand advertising, Dosal's advertising plan 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 second 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 Kings Box; and
- b. Competidora Non Filter Kings Box.

EXHIBIT "B"

**DOSAL TOBACCO CORPORATION
SALES VOLUME REPORT FOR 2020 AND
SALES FORECAST FOR 2021 FOR ALL BRAND STYLES**

2020 SALES REPORT AND 2021 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2020</u>	<u>Number of Sticks 2020</u>	<u>Projected Carton Sales 2021</u>	<u>Projected Sales in Sticks 2021</u>
305FFK BX	/ 305's	Full Flavor Kings Box				
305FFY BX	/ 305's	Full Flavor 100's Box				
305BLK BX	/ 305's	Blue Kings Box				
305BLY BX	/ 305's	Blue 100's Box				
305MGY BX	/ 305's	Menthol Gold 100's Box				
305MNK BX	/ 305's	Menthol Kings Box				
305MNY BX	/ 305's	Menthol 100's Box				
305NFK BX	/ 305's	Non Filter Kings Box				
305SVY BX	/ 305's	Silver 100's Box				
305SVK BX	/ 305's	Silver Kings Box				
COMCFK BX	/ Competidora	Full Flavor Kings Box				
COMNFK BX	/ Competidora	Non-Filter Kings Box				
DTCFFK BX	/ DTC	Full Flavor Kings Box				
DTCFFY BX	/ DTC	Full Flavor 100's Box				
DTCGDK BX	/ DTC	Gold Kings Box				
DTCGDY BX	/ DTC	Gold 100's Box				
DTCMGY BX	/ DTC	Menthol Gold 100's Box				
DTCNFK BX	/ DTC	Non Filter Kings Box				

DTCSVYBX	/ DTC	Silver 100's Box
DTCMNK BX	/ DTC	Menthol Kings Box
DTCMNYBX	/ 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.

*This statement rotation schedule also applies to the warnings on packaging for brand styles 305's Full Flavor 100's Box and 305's Full Flavor Kings Box. The quarterly rotation shall be based on the date the cigarettes are packaged.



Division of
Advertising Practices

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

June 16, 2021

Ms. Veronica Vilarchao
Shutts & Bowen LLP
200 South Biscayne Blvd.
Suite 4100
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 revised proposed plan submitted by Dosal Tobacco Corp. (“Dosal”) on June 11, 2021, calling for: (1) modification of Dosal’s previously approved schedule for quarterly rotation of the four health warnings in advertising; and (2) 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 plan for modification of its previously approved schedule for quarterly rotation of the four health warnings in advertising is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

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 and 305's Full Flavor Kings Box varieties,¹ and the warnings on the sample packs and cartons submitted with your letter dated June 12, 2014 continue to appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

Accordingly, Dosal’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter

¹ Dosal’s plan for quarterly rotation of the four health warnings on packaging for the 305's Full Flavor Kings Box and 305’s Full Flavor 100's Box varieties was previously approved and does not require annual approval.

² Dosal stated in its June 11, 2021 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

through **June 15, 2022 (or until new health warnings required under the Family Smoking Prevention and Tobacco Control Act (“TCA”)) take effect, whichever comes first):**

- 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;
- Eight Box varieties of the 305's brand: Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol (Kings and 100’s), Menthol Gold 100’s, and Non-Filter Kings; and
- 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 TCA and, if not already expired, expires at such time new health warnings required under the TCA take effect. Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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 TCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to, the “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (published March 19, 2010) or FDA’s final rule, “Required Warnings for Cigarette Packages and Advertisements” (published March 18, 2020).

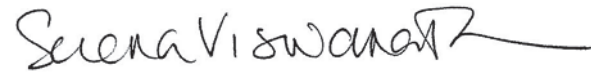
Because the TCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

³ 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. Veronica Vilarchao
June 16, 2021
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If you have any questions regarding this approval, please contact Bonnie McGregor at (202) 326-2356.

Very truly yours,

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

Serena Viswanathan
Associate Director