



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: December 31, 2024

SUBJECT: Rotational Health Warnings for Cigarettes
File No. P854505

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

1. March 10, 2022 from Kanim James, Lone Warrior Holdings, Inc. to Serena Viswanathan.
2. March 30, 2022 from Kanim James, Lone Warrior Holdings, Inc. to Serena Viswanathan.
3. April 1, 2022 from Serena Viswanathan to Kanim James, Lone Warrior Holdings, Inc.
4. March 29, 2022 letter from Lance Morgan, Rock River Manufacturing to Serena Viswanathan.
5. April 6, 2022 letter from Serena Viswanathan to Lance Morgan, Rock River Manufacturing.
6. March 2, 2022 letter from Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc. to Serena Viswanathan.
7. April 12, 2022 letter from Serena Viswanathan to Juan Miguel Araiza, Skookum Creek Tobacco Co., Inc.
8. March 14, 2022 letter from Heather Enyart, Seneca-Cayuga Tobacco Company to Division of Advertising Practices.
9. April 13, 2022 letter from Serena Viswanathan to Heather Enyart, Seneca-Cayuga Tobacco Company.

10. April 15, 2022 letter from Paige S. Fitzgerald on behalf of Native Trading Associates, LLC to Serena Viswanathan.
11. April 25, 2022 letter from Serena Viswanathan to Paige S. Fitzgerald on behalf of Native Trading Associates, LLC.
12. March 30, 2022 letter from Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc. to Serena Viswanathan.
13. May 2, 2022 letter from Serena Viswanathan to Neal N. Beaton on behalf of Japan Tobacco International U.S.A., Inc.
14. April 28, 2022 letter from Barry M. Boren on behalf of Winner Tobacco Wholesale, Inc. to Serena Viswanathan.
15. May 3, 2022 letter from Serena Viswanathan to Barry M. Boren on behalf of Winner Tobacco Wholesale, Inc.
16. June 15, 2022 letter from Veronica Vilarchao on behalf of Dosal Tobacco Corporation to Serena Viswanathan.
17. June 16, 2022 letter from Serena Viswanathan to Veronica Vilarchao on behalf of Dosal Tobacco Corporation.
18. June 9, 2022 letter from Terri Albright, King Maker Marketing, Inc. to the Division of Advertising Practices.
19. June 17, 2022 letter from Serena Viswanathan to Terri Albright, King Maker Marketing, Inc.
20. June 17, 2022 letter from Terri Albright, Premier Manufacturing, Inc. to Serena Viswanathan.
21. June 17, 2022 letter from Serena Viswanathan to Terri Albright, Premier Manufacturing, Inc.



229 Lateral A Rd., Ste. 201

Wapato, WA 98951

509-361-1623

VIA FTC SECURE MAIL TRANSMISSION LINK

March 10, 2022

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

RE: Lone Warrior Holdings, Inc. – Cigarette Health Warning Equalization Plan for Packaging Pursuant to 15 U.S.C. § 1333(c)(2) for 509 Brand

Dear Ms. Viswanathan:

This letter represents the submission of Lone Warrior Holdings, Inc.'s plan for use of the alternative method to the quarterly Surgeon General's rotation plan on packaging of the following ten (10) hard pack styles of the 509 brand (the "Plan"):

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

The 509 brand is manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company and Howard Lake Trading Inc. Upon approval of this Plan, the contract manufacturers will manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (Jacobs Tobacco Company TTB Permit No. TP-NY-15047; Howard Lake



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Trading Inc. TTB Permit No. TP-WA-20006). Lone Warrior Holdings, Inc. has only two other cigarette brands manufactured under contract (Rainier and Yakama) and does not manufacture any other cigarette brands itself. Lone Warrior Holdings, Inc.'s plan to equalize warnings on the packaging for certain brand styles of Rainier and Yakama brands was approved by the FTC on February 17, 2022. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

The products will be packaged in two-hundred (200) count cartons ("Cartons"). Each Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The four health warnings will be printed directly on the Packs and Cartons and will be in the content and form required by 15 U.S.C. §§ 1331-1341 (the "FCLAA"). Eighty (80) packaging samples for the 509 brand, all of which display the four required health warnings, are enclosed with this letter. The four health warnings will appear exactly as shown on the sample Packs and Cartons of the ten (10) styles of the 509 brand being submitted.

Through the printing process, Lone Warrior Holdings, Inc. will ensure that all four health warnings will be equally displayed on the Packs and Cartons of each brand style throughout the one year period beginning on the date of approval of this Plan. The contract printer will print four (4) Cartons to a sheet – each Carton on the sheet will have a different one of the four health warnings. Similarly, the contract printer will print sixteen (16) Packs to a sheet with four (4) of each of the health warnings repeated four (4) times. Every print run of Cartons and Packs will therefore have an equal distribution of health warnings and, accordingly, Lone Warrior Holdings, Inc.'s contract manufacturer's print runs will have an equal distribution of health warnings. The result will be an equal distribution of health warnings on cigarettes sold throughout the year. Lone Warrior Holdings, Inc. will maintain sufficient records to demonstrate compliance with this Plan. If by the end of the year equalization of health warnings on Packs and Cartons has not been achieved, Lone Warrior Holdings, Inc. will take steps, such as placing special orders of packaging, to ensure health warning label equalization.

Lone Warrior Holdings, Inc.'s fiscal year is the calendar year. Lone Warrior Holdings, Inc.'s cigarette sales in fiscal year 2021 was [REDACTED] (all were its Rainier and Yakama brands). Sales estimates for the one-year period following FTC's approval of this plan for all of its brand styles (Rainier, Yakama and 509) are [REDACTED] and within that total it anticipates [REDACTED] will be 509. The estimated sales for all brand styles will clearly be less than one-fourth of one percent of all cigarettes sold in the United States during either calendar year 2021 or calendar year 2022, as required by 15 U.S.C. § 1333(c). Lone Warrior Holdings, Inc. believes that its



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Wapato, WA 98951

509-361-1623

anticipated low sales volume of the 509 brand fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in 15 U.S.C. § 1333(c)(2).

Lone Warrior Holdings, Inc. has submitted a separate plan to the FTC for display of the warnings in advertising for its 509 brand. Lone Warrior Holdings, Inc. will not advertise for the 509 brand until that plan is approved.

We submit that the foregoing complies with the requirements set forth in the FCLAA, and request approval of this Plan. If there are any questions or concerns regarding this Plan, please contact me.

Sincerely,

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President, Chief Operating Officer

229 Lateral A Rd, Ste 201

Wapato, WA 98951

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net

Selected packaging samples from those
submitted with the plan.



HOWARD LAKE TRADING
229 LATERAL A RD ST
WAPATO, WA 9891

FSC



TP-WA-2000

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

FULL

PREMIUM CIGARETTES

509

PREMIUM CIGARETTES

FULL

509

509

509

UNDERAGE
SALE
PROHIBITED

20
CLASS A
CIGARETTES

509

KING SIZE

509

PREMIUM CIGARETTES

ULTRA SMOOTH

HOWARD LAKE TRADING

FSC

TP-WA-20006



UNDERAGE SALE PROHIBITED

PREMIUM CIGARETTES

509



PREMIUM CIGARETTES

ULTRA SMOOTH

PREMIUM CIGARETTES

200 CLASS A CIGARETTES KING SIZE

ULTRA SMOOTH

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

509



229 Lateral A Rd., Ste. 201

Wapato, WA 98951

509-361-1623

VIA FTC SECURE MAIL TRANSMISSION LINK

March 30, 2022

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

RE: Lone Warrior Holdings, Inc. – Advertising Plan for Roper and 509 Brands Pursuant to 15 U.S.C. § 1333

Dear Ms. Viswanathan:

This letter represents the submission of Lone Warrior Holdings, Inc.'s advertising plan pursuant to 15 U.S.C. § 1333. The Roper and 509 brands are manufactured in the United States for Lone Warrior Holdings, Inc. by Jacobs Tobacco Company and Howard Lake Trading Inc. Jacobs Tobacco Company is a federally-licensed tobacco products manufacturer (TTB Permit No. TP-NY-15047). Howard Lake Trading Inc. is a federally-licensed tobacco products manufacturer (TTB Permit No. TP-WA-20006). Lone Warrior Holdings, Inc. has two other cigarette brands manufactured under contract (Rainier and Yakama) and had an advertising plan for those brands approved on November 20, 2019. Lone Warrior Holdings, Inc. does not manufacture any other cigarette brands itself. Lone Warrior Holdings, Inc. does not import any cigarettes into the United States.

Lone Warrior Holdings, Inc. intends to advertise the Roper and 509 brands in accordance with 15 U.S.C. §§ 1331-1341. Copies of the warning formats Lone Warrior Holdings, Inc. will use were enclosed with, and are the same as, our prior advertising plan submission on August 16, 2019. Lone Warrior Holdings, Inc.'s proposed advertising plan does not include, and the corporation does not intend to use, advertisements larger than 160 square feet.

Lone Warrior Holdings, Inc. will use the warning formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and it will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below.

For advertisements in periodicals, Lone Warrior Holdings, Inc. will use the warning for the quarter in which the cover date falls, except that any advertisement appearing in a periodical



229 Lateral A Rd., Ste. 201

Wapato, WA 98951

509-361-1623

having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter of the first such month.

For all other printed advertisements, Lone Warrior Holdings, Inc. will use the warning for the quarter in which artwork for any such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed, or displayed.

Lone Warrior Holdings, Inc. will maintain records of compliance with the advertising plan.

Quarterly Rotation of Warning Statements in Advertisements for Roper and 509

Quarter	Rainier	Yakama	Roper	509
1st Quarter (January - March)	A	B	C	D
2nd Quarter (April - June)	B	C	D	A
3rd Quarter (July - September)	C	D	A	B
4th Quarter (October - December)	D	A	B	C

The warnings are as follows:

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



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Wapato, WA 98951

509-361-1623

Lone Warrior Holdings, Inc. is not asking for internet advertising at this time, but it will submit an internet advertising plan before it engages in internet advertising.

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

Sincerely,

Lone Warrior Holdings, Inc.

By: Kanim James, Vice President, Chief Operating Officer

229 Lateral A Rd, Ste 201

Wapato, WA 98951

Telephone: (509) 361-1623

Email: kanim@lonewarrior.net



Division of
Advertising Practices

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

April 1, 2022

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

Dear Mr. James:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed two letters dated March 10, 2022 and March 30, 2022, which constitute a plan filed by Lone Warrior Holdings, Inc. (“Lone Warrior”), calling for: (1) quarterly rotation of the four health warnings in advertising up to 160 square feet in size for the Roper and 509 brands of cigarettes; and (2) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 509 brand of cigarettes.

Lone Warrior’s plan for quarterly rotation of the four health warnings in the aforementioned advertising for the Roper and 509 brands of cigarettes is hereby approved. Approval of the plan assumes that the plan is implemented in good faith.

Lone Warrior’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your March 10, 2022 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Lone Warrior’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the 509 brand: Full (Kings and 100’s), Smooth (Kings and 100’s), Ultra Smooth (Kings and 100’s), Menthol (Kings and 100’s), and Menthol Smooth (Kings and 100’s). **This approval of Lone Warrior’s plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through March 31, 2023, or until new health warnings required under the TCA take effect, whichever comes first**

¹ Lone Warrior stated in its March 10, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on that date.

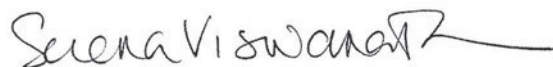
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director

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



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

March 29, 2022

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 12, 2021, 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 12, 2021.

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

January 4, 2022

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

Page 3

January 4, 2022

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, 2021 through December 31, 2021 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 but  in 2021. In 2021, 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

Page 4

January 4, 2022

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

Page 5

January 4, 2022

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:

Lance Morgan

058D5E63D9694E0...

Lance Morgan
President



Division of
Advertising Practices

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

April 6, 2022

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 March 29, 2022, 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 March 29, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on these dates.

- 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>.

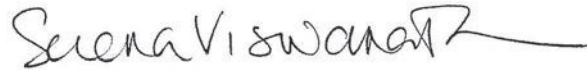
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Lance Morgan
April 6, 2022
Page 3

This approval is effective on the date of this letter and runs through April 5, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director



March 2, 2022

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

Dear Ms. Viswanathan:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), Skookum Creek Tobacco Co., Inc., hereby submits a plan for the rotation of "Warnings" under Section 1333 (c) (2) of the Federal Cigarette Labeling and Advertising Act.

Skookum Creek Tobacco Company currently produces two brand families of cigarettes, "Complete," and "Premis". A rotation plan was approved March 30, 2021, for these brand families.

Warnings for existing brand styles will appear exactly as shown on the sample packaging submitted on the following dates: April 17, 2017, May 17, 2017 and March 3, 2021. Skookum Creek Tobacco Company is seeking approval for the brand styles identified in Exhibit A

No brand style manufactured by Skookum Creek Tobacco in fiscal year 2021 exceeded the sales limits in 15 U.S.C. § 1333(c)(2)(A)(i). A copy of Skookum Creek Tobacco's 2021 fiscal sales figures as well as current fiscal year sales to date and estimates for all brand styles is attached as Exhibit B. Units as shown are in sticks. Please note that the fiscal year for Skookum Creek Tobacco Company runs October 1 to September 30, concurrent with the federal fiscal year.

Skookum Creek Tobacco Company will ensure through controlled processes that all four warnings will be equally displayed on the packs and cartons of each of the brand styles for which approval is requested in this letter for the one-year period beginning on the date of approval of this plan. Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan.

Skookum Creek Tobacco, through a partnership with our sole producer of printed labels and cartons assures compliance within the guidelines of rotation through a "Mechanical Printing and Sorting" process. All printed goods are produced using an equal distribution of the required four warnings within each print order and mechanically sorted to assure equal distribution on each pallet of finished print. Single pallets are utilized in our manufacturing process to assure equal distribution of the warnings on packs and cartons of each brand style.

Skookum Creek Tobacco Company continues to be in compliance with its plan for Internet advertising as approved July 16, 2007 for Complete and Premis. Skookum Creek Tobacco Co., Inc. does not advertise its cigarettes in any other format or medium.

Sincerely,

Juan Miguel (Mike) Araiza, General Manager

Complete	Premis
Full Flavor Kings (Hard Pack)	Full Flavor Kings (Hard Pack)
High Air Kings (Hard Pack)	High Air Kings (Hard Pack)
Ultra High Air Kings (Hard Pack)	Ultra High Air Kings (Hard Pack)
Menthol Kings (Hard Pack)	Menthol Kings (Hard Pack)
Menthol High Air Kings (Hard Pack)	Menthol High Air Kings (Hard Pack)
Non Filtered Kings (Hard Pack)	Full Flavor 100s (Hard Pack)
Full Flavor 100s (Hard Pack)	High Air 100s (Hard Pack)
High Air 100s (Hard Pack)	Ultra High Air 100s (Hard Pack)
Ultra High Air 100s (Hard Pack)	Menthol 100s (Hard Pack)
Menthol 100s (Hard Pack)	Menthol High Air 100s (Hard Pack)
Menthol High Air 100s (Hard Pack)	

Exhibit B Sales and Projections - - Skookum Creek Tobacco Co., Inc. Brand Families and Brands of Cigarettes

Product Item #	Brand Family	Brand Name	Units Sold FY21	Projected FY22	FY22 Sales thru 3/1/22
01-50071	Complete FSC Full Flavor 100's	Complete			
01-50072	Complete FSC High Air 100's	Complete			
01-50073	Complete FSC Ultra High Air 100's	Complete			
01-50074	Complete FSC Menthol 100's	Complete			
01-50075	Complete FSC Menthol High Air 100's	Complete			
01-50076	Complete FSC Full Flavor Kings	Complete			
01-50077	Complete FSC High Air Kings	Complete			
01-50078	Complete FSC Ultra High Air Kings	Complete			
01-50079	Complete FSC Menthol Kings	Complete			
01-50080	Complete FSC Menthol High Air Kings	Complete			
01-50081	Complete FSC Non Filter Kings	Complete			
01-50082	Premis FSC Full Flavor Kings	Premis			
01-50083	Premis FSC High Air Kings	Premis			
01-50084	Premis FSC Ultra High Air Kings	Premis			
01-50085	Premis FSC Menthol Kings	Premis			
01-50086	Premis FSC Menthol High Air Kings	Premis			
01-50087	Premis FSC Full Flavor 100's	Premis			
01-50088	Premis FSC High Air 100's	Premis			
01-50089	Premis FSC Ultra High Air 100's	Premis			
01-50090	Premis FSC Menthol 100's	Premis			
01-50091	Premis FSC Menthol High Air 100's	Premis			



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

Division of
Advertising Practices

April 12, 2022

Mr. Juan Miguel Araiza
Skookum Creek Tobacco Co., Inc.
1041 W. State Route 108
Shelton, WA 98584

Dear Mr. Araiza:

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 Skookum Creek Tobacco Co., Inc. ("Skookum Creek") on March 2, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Complete and Premis brands of cigarettes.

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

<u>Brand</u>	<u>Date(s)</u>
Complete	April 17, 2017 May 17, 2017
Premis	March 3, 2021

¹ Skookum Creek stated in its March 2, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

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

- Eleven hard pack varieties of the Complete brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), Menthol High Air (Kings and 100's), and Non-Filter Kings; and
- Ten hard pack varieties of the Premis brand: Full Flavor (Kings and 100's), High Air (Kings and 100's), Ultra High Air (Kings and 100's), Menthol (Kings and 100's), and Menthol High Air (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 Skookum Creek'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 Skookum Creek's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Skookum Creek'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>.

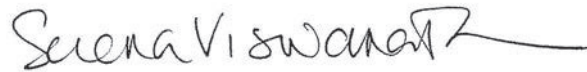
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Juan Miguel Araiza
April 12, 2022
Page 3

This approval is effective on the date of this letter and runs through April 11, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

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

Serena Viswanathan
Associate Director



March 14, 2022

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 2021 Plan renewal on April 20, 2021 and your office approved the prior plan on April 23, 2021.

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).

Seneca-Cayuga Tobacco Company

March 14, 2021

Page 2

In our fiscal year 2021 (October 1, 2020 – September 30, 2021) our total sales were [REDACTED] sticks of the Skydancer brand. Anticipated fiscal year 2022 (October 1, 2021 – September 30, 2022) sales are [REDACTED] sticks of the Skydancer brand. No other brands were sold by SCTC in fiscal year 2021.

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,

A handwritten signature in blue ink that reads "Heather Enyart". The signature is fluid and cursive, with a large, stylized "H" and "E".

Heather Enyart
Compliance



Division of
Advertising Practices

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

April 13, 2022

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 proposed plan filed by Seneca-Cayuga Tobacco Company (“Seneca-Cayuga”) on March 14, 2022, 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 March 14, 2022 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.

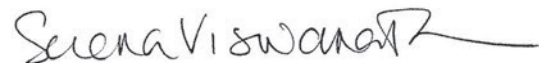
Please note that this letter only approves Seneca-Cayuga's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval 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 12, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

Serena Viswanathan
Associate Director

Paige S. Fitzgerald
paige.fitzgerald@troutman.com

April 15, 2022

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 12, 2021, for twenty-four (24) previously approved styles of Native and six (6) varieties of Mohawk. Your office approved this plan on April 23, 2021.

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

¹ Several style names are designated by the color of the packaging (blue, pale blue, green and pale green), but neither the color names (blue or green) nor the word "pale" appears on any of the packaging.

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 2021, 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 2021, and sales of none of NTA's Native or Mohawk brand styles exceeded [REDACTED] sticks. In fiscal year 2022, 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 office phone, which is 804.697.1404.

Sincerely,



Paige S Fitzgerald



Dan Doran
Executive Vice President
Native Trading Associates, LLC

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 25, 2022

Paige S. Fitzgerald, Esq.
Troutman Pepper LLP
1001 Haxall Point, 15th Floor
Richmond, VA 23219

Dear Ms. Fitzgerald:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a proposed plan filed by Native Trading Associates, LLC (“NTA”) on April 15, 2022, 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

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

¹ NTA stated in its April 15, 2022 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on those dates.

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA’s April 15, 2022 letter do not always appear on the packaging – *e.g.*, the words “Blue,” “Green,” “Ultra,” 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.

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).

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>.

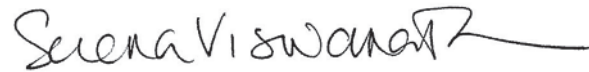
This approval is effective on the date of this letter and runs through April 24, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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 25, 2022
Page 3

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

Very truly yours,

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

Serena Viswanathan
Associate Director

Holland & Knight

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

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

March 30, 2022

VIA FTC SECURE MAIL

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

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

Dear Ms. Viswanathan:

On behalf of Japan Tobacco International U.S.A., Inc., a California corporation with its principal office at Glenpointe Centre West, 300 Frank W. Burr Boulevard, Suite 70, Teaneck, New Jersey 07666 ("JTI USA"), we respectfully submit an application pursuant to Section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended (the "Act"), seeking approval for JTI USA to display the warning labels specified in Section 4(a)(1) of the Act in the manner provided in Section 4(c)(2)(C) of the Act, on packaging submitted under cover of our letter dated February 4, 2022 for ten additional brand styles of its brand named "LD by L. Ducat", namely hard pack varieties of: Red Rewards (Kings and 100's), Menthol Rewards (Kings and 100's), Blue Rewards (Kings and 100's), Silver Rewards (Kings and 100's) and Menthol Green Rewards (Kings and 100's) for one year following approval hereof. These new brand styles would be only for individual packages containing twenty cigarettes each, not cartons, and would be in addition to, rather than replacing, the existing brand styles. The four warnings will be separately equalized on the packs for these brand styles in accordance with JTI USA's previously approved Plan.

The Label Statement Rotation Plan of JTI USA submitted to the Federal Trade Commission on August 28, 1985 (the "Plan"), as subsequently amended, was approved most recently on September 14, 2021 covering its "Export 'A'", "LD by L. Ducat", "Wave" and "Wings" brands. Such brands constitute all of the cigarette brands sold by JTI USA; each is and will continue solely

Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville | Los Angeles | Miami |
New York | Orange County | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa | Tysons |
Washington, D.C. | West Palm Beach

to be imported into the U.S. (rather than manufactured in the U.S.). For the brand styles above, the four health warnings will appear exactly as shown on the samples provided to the FTC under cover of our letter dated February 4, 2022.

In support of JTI USA's application for extension of FTC approval of its simultaneous display plan for packages to cover the ten additional "LD By L. Ducat" brand styles listed above, JTI USA affirms as follows:

- (a) the cigarettes sold by JTI USA in the U.S. continue to comply with the two-tiered test in Section 4(c)(2) of the Act. During JTI USA's last fiscal year ended December 31, 2021, the total number of cigarettes of any brand style sold by JTI USA in the United States during such year (all of which were imported) was less than [REDACTED] and therefore (i) each brand style of cigarettes which JTI USA imported (or manufactured) and sold accounted for less than one-fourth of one percent of all cigarettes sold in the United States during the most recent completed year and (ii) more than one-half (i.e. all) of the cigarettes for sale by JTI USA for sale in the United States (all of which were imported) are packaged into brand styles which meet the requirements of clause (i) and JTI USA does not expect to exceed such amounts for the current 2022 fiscal year;
- (b) the statutorily mandated warnings will appear exactly as shown on the sample packages submitted to the Federal Trade Commission herewith unless and until revised sample individual packages are submitted to the Federal Trade Commission on JTI USA's behalf and approved by the Federal Trade Commission; and
- (c) JTI USA will equally display the four warning labels specified in Section 4(a)(1) of the Act on packages of cigarettes for each brand style for the one year period beginning on the date of approval hereof and JTI USA will keep records demonstrating compliance with the Plan.

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

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

If you should have any further questions in connection with this application, please call me at (917) 539-1651 or email me at neal.beaton@hklaw.com. It would be appreciated if the approval letter could be faxed to me at 212-385-9010 or sent to me as a pdf attachment to an e-mail at neal.beaton@hklaw.com.

Ms. Serena Viswanathan

March 30, 2022

Page 3

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Neal N. Beaton', with a stylized flourish at the end.

Neal N. Beaton

Attachment 1

Export 'A'

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

Export A 72 Slide and Shell Pack:

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

Export 'A' 72 Slide and Shell Bundle:

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

Wave/Wings/LD by L. Ducat

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

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

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

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

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

Selected packaging samples from those
submitted with the plan.



L. Ducat

RED

Made in Turkey for
JT International U.S.A.,
Inc. - Newark, NJ 07102
Contact us: 1-844-532-4477 -
ldcigarettes.com
LD by L. Ducat



AMERICAN BLEND

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



L. Ducat

RED

AMERICAN BLEND

1028 US1F122
14750359



RED



|| =

L. Ducat



L. Ducat



RED

A PRODUCT OF
JT INTERNATIONAL
25 CLASS A
CIGARETTES

UNDERAGE
SALE
PROHIBITED

LD REWARDS!

Enter code to earn points

SIGN UP AT:

LDCIGARETTES.COM

PX52CG0C2



L. Ducat

BLUE

Made in Turkey for
L. Ducat Inc.
New York, NY 10168
Contact us: 1-844-332-4477 -
ldcigarettes.com
LD by L. Ducat



AMERICAN BLEND

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



L. Ducat

BLUE

AMERICAN BLEND

10.26 US1 F121
14750380



||
=

L. Ducat



L. Ducat

BLUE

UNDERAGE
SALE
PROHIBITED

A PRODUCT OF
JT INTERNATIONAL
20 CLASS A
CIGARETTES

LD REWARDS!
Enter code to earn points

SIGN UP AT:
LDCIGARETTES.COM

19XK05TH6



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

Division of
Advertising Practices

May 2, 2022

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

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Japan Tobacco International U.S.A., Inc.’s (“JTI”) July 20, 2021 plan for display of the four health warnings on packaging for certain varieties of the Export ‘A’, “LD by L. Ducat,” Wave, and Wings brands of cigarettes was approved on September 14, 2021. In your March 30, 2022 letter, you now propose to expand JTI’s plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the health warnings on packaging to include ten additional varieties of the LD by L. Ducat brand in packs only.

JTI’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs submitted with your letter dated February 4, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, JTI’s expansion of its plan for simultaneous display of the four health warnings on packaging is hereby approved for the following ten hard pack varieties of the LD by L. Ducat brand in packs: Red Rewards (Kings and 100’s), Blue Rewards (Kings and 100’s), Silver Rewards (Kings and 100’s), Menthol Rewards (Kings and 100’s), and Menthol Green Rewards (Kings and 100’s).

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

¹ JTI stated in its March 30, 2022 letter that the four health warnings will appear exactly as shown on the packs submitted on February 4, 2022.

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

Neal N. Beaton, Esq.

May 2, 2022

Page 2

I wish to remind you that the Commission's September 14, 2021 approval of JTI's plan for simultaneous display of the warnings on packaging for certain varieties runs through September 13, 2022 (or until new health warnings required under the TCA take effect, whichever comes first) and that this letter does not extend that approval period.

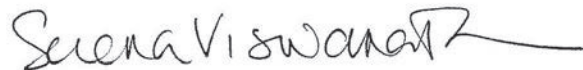
Please note that this letter only approves JTI's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any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

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

This approval is effective on the date of this letter and runs through May 1, 2023 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, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

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 28, 2022

Sent via email: bmcgregor@ftc.gov

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

Attention: Ms. Bonnie McGregor

Surgeon General's Warning Rotation Plan
for Winner Cigarettes for Winner Tobacco Wholesale, Inc.

Dear Ms. Viswanathan:

Please be advised that we are the attorneys for Winner Tobacco Wholesale, Inc ("Winner"), a Minnesota corporation, with offices located at 675 Stinson Ave, Minneapolis, MN 55413. The phone number is (612) 701-5900. Winner wishes to file a Surgeon General's Warning Packaging Equalization Plan for their Winner cigarettes. All their Winner cigarettes are manufactured by Ohserase Manufacturing, LLC, located at 26 Eagle Drive, Akwesasne, NY 13655. All of the Winner cigarettes are and will be manufactured in the United States. None will be imported. These plans are being submitted pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*).

The contact person for the company will be its President, Elias Yazbeck, who can be reached at the above address and phone number.

Packaging Health Warning Equalization Plan

Winner wishes to file a plan to equalize the display of the warnings on packaging as required by 15 U.S.C. § 1333(c) for all the Winner brand cigarettes they have contract manufactured.

Actual production packs and cartons for the Winner brand styles which show exactly

where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons were submitted on March 28, 2022.

In fiscal year 2021¹, Winner had [REDACTED] Winner brand cigarettes manufactured. In fiscal year 2022 to date, Winner has [REDACTED] Winner brand cigarettes manufactured. In fiscal year 2022, Winner anticipates having approximately [REDACTED] sticks of its Winner brand styles manufactured. Winner does not import, manufacture, or cause to be manufactured any other brand of cigarettes.

No one brand style of cigarettes Winner sold in 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 Winner had manufactured for sale in the United States were packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(I).

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

The individual packs of Winner cigarettes 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. Winner will keep a running total of the number of cartons and packs with each warning label for each brand style.

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

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

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

We believe this plan complies in all respects with the Federal Cigarette Labeling and Advertising Act, as amended, (15 U.S.C. §1331 *et seq.*) including any modifications made by the Public Health Cigarette Smoking Act of 1969, the Comprehensive Smoking Education

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

Act of 1984, the Nurses' Education Amendments of 1985 and the Imported Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this packaging 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

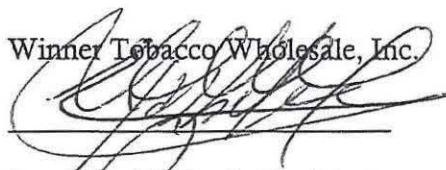
Winner Tobacco Wholesale, Inc.

By: Elias Yazbeck, President

EXHIBIT "A"
BRAND STYLES FOR WINNER CIGARETTES

WINNER

Winner Full Flavor Kings Box
Winner Menthol Full Flavor Kings Box
Winner Blue Kings Box

Winner Full Flavor 100's Box
Winner Menthol Full Flavor 100's Box
Winner Menthol Gold 100's Box
Winner Silver 100's Box
Winner Blue 100's Box

Selected packaging samples from those
submitted with the plan.

P-NY-15042



Designed by:
Winner Company Inc.
Minneapolis, MN 55413

Winner

MENTHOL FULL FLAVOR
KINGS BOX

MADE IN USA

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

R18-0065

Winner

MENTHOL FULL FLAVOR
KINGS BOX

MADE IN USA

MENTHOL FULL FLAVOR
KINGS BOX

Winner



SPECIAL FILTER

MENTHOL FULL FLAVOR
KINGS BOX

Winner

SPECIAL FILTER



UNDERAGE
SALE
PROHIBITED

20
Class A
Cigarettes

Winner

FULL FLAVOR
100's BOX

MADE IN USA

Winner

100's

SPECIAL FILTER



Winner
100's BOX



UNDERAGE
SALE
PROHIBITED

TP-NY-15042

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

ner

100's

AVOR
BOX

SA

ER

R19-0066



Division of
Advertising Practices

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

May 3, 2022

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

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Winner Tobacco Wholesale, Inc. (“Winner”) dated April 28, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Winner brand of cigarettes.

Winner’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted on March 28, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Winner’s plan for simultaneous display of the four health warnings on packaging is hereby approved for the following eight box varieties of the Winner brand: Full Flavor (Kings and 100’s), Blue (Kings and 100’s), Menthol Full Flavor (Kings and 100’s), Menthol Gold 100’s, and Silver 100’s.

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

¹ Winner stated in its April 28, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on this date.

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

Barry M. Boren, Esq.

May 3, 2022

Page 2

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

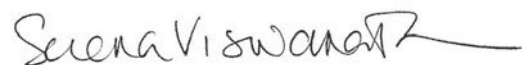
Please note that this letter only approves Winner's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging for Winner's cigarettes. Nor does this letter purport to interpret or express any opinion about the adequacy of Winner'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 May 2, 2023 or until the new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

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 15, 2022

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 manufactures 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 15, 2022, was reviewed and authorized by me.



Yolanda Nader, Chief Executive Officer

MIADOCS 24361119 3

**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 8, 2022, 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 2021, 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 2021 and forecasts that it will meet the Low Sales Volume Requirement for 2022 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2021, and Sales Forecast for the year 2022, 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 2021, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2022 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 listed in Exhibit "A" during the year, as follows:

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

- i. An even distribution of each of the four (4) warnings will be displayed on the packs and cartons of each brand style of 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 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 2021 AND
SALES FORECAST FOR 2022 FOR ALL BRAND STYLES**

2021 SALES REPORT AND 2022 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Number of Sticks 2021</u>	<u>Projected Sales in Sticks 2022</u>
305FFKBX	/ 305's	Full Flavor Kings Box		
305FFYBX	/ 305's	Full Flavor 100's Box		
305BLKBX	/ 305's	Blue Kings Box		
305BLYBX	/ 305's	Blue 100's Box		
305MGYBX	/ 305's	Menthol Gold 100's Box		
305MNKBX	/ 305's	Menthol Kings Box		
305MNYBX	/ 305's	Menthol 100's Box		
305NFKBX	/ 305's	Non Filter Kings Box		
305SVYBX	/ 305's	Silver 100's Box		
305SVKBX	/ 305's	Silver Kings Box		
COMCFKBX	/ Competidora	Full Flavor Kings Box		
COMNFKBX	/ Competidora	Non-Filter Kings Box		
DTCFFKBX	/ DTC	Full Flavor Kings Box		
DTCFFYBX	/ DTC	Full Flavor 100's Box		
DTCGDKBX	/ DTC	Gold Kings Box		
DTCGDYBX	/ DTC	Gold 100's Box		
DTCMGYBX	/ DTC	Menthol Gold 100's Box		
DTCNFKBX	/ DTC	Non Filter Kings Box		

DTCSVYBX / DTC

Silver 100's Box

DTCMNKBX / 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.

MIADOCS 24363350 2

Selected packaging samples from those
submitted with the plan.

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



MENTHOL
MADE IN USA

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

DTC MENTHOL
100's BOX

AP-105

MADE IN USA



20000060
1W/NL Δ

DTC MENTHOL
100's BOX



SALES TO MINORS
PROHIBITED

TP-FL-762

SILVER
BOX

100's



MADE IN USA



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



SILVER
100's BOX

SALES TO
MINORS
PROHIBITED



20000029
WN-D

MADE IN USA

SILVER
BOX

100's



TP-FL-762



AP-4



2007 **Place A Cinquant**

FSC



MENTHOL 100's
MADE IN USA

305's
MENTHOL 100's

MADE IN USA
MENTHOL 100'S

\$3.95

305's[®]
MENTHOL 100's

**SALES TO
MINORS
PROHIBITED**

□ □ □ □ □ □ □ □ □

20000055

WN-A

305's®

FULL FLAVOR KINGS

MADE IN USA

BOX

305's®

BOX FULL FLAVOR KINGS
MADE IN USA

305's®

FULL FLAVOR KINGS

MADE IN USA

SALES TO
MINORS
PROHIBITED



20000202
WN-C

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

BOX

FULL FLAVOR KINGS

305's®

FULL FLAVOR KINGS

MADE IN USA

MIAMI, FLORIDA USA
800-434-7172
TP-FL-762
200 Class A Cigarettes

AP-4



COMPETIDORA
PERMIT NO. TP-FL-782
DOSAL TOBACCO CORP.
MIAMI, FLORIDA
800.434.7477



FULL FLAVOR

CUBAN BLEND

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

Competidora

AP-21

CUBAN BLEND



FULL FLAVOR

20000095
WN-A



Competidora

Competidora

SALES TO
MINORS
PROHIBITED

Competidora

MADE IN USA
CLASS A
20
CIGARETTES

COMPETIDORA



COMPETIDORA

NON FILTER

CUBAN BLEND



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



COMPETIDORA

NON FILTER

BOX



COMPETIDORA

NON FILTER
CUBAN BLEND

20000025
WN-D



BOX



Division of
Advertising Practices

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

June 16, 2022

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 15, 2022, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the DTC, 305's, and Competidora brands of cigarettes.

Dosal's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the 305's Full Flavor 100's Box and 305's Full Flavor Kings Box varieties,¹ and the warnings on the sample packs and cartons submitted June 8, 2022 appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.²

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

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

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 15, 2022 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on this date.

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

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

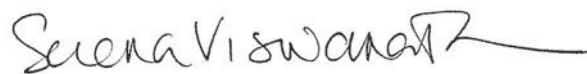
Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("TCA"). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in advertising for 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>.

This approval is effective on the date of this letter and runs through June 15, 2023 or until new health warnings required under the TCA take effect, whichever comes first.

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

Very truly yours,



Serena Viswanathan
Associate Director

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.



June 9, 2022

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

Re: Request for approval of additional brand

Dear Ms. Viswanathan:

King Maker Marketing, Inc. will be manufacturing the Ultra Buy brand, formally manufactured by Premier Manufacturing, Inc. and we request approval for simultaneous display of the four health warnings on the Ultra Buy varieties listed below. The warnings will appear exactly as shown on the Ultra Buy packs and cartons that were enclosed with letter April 26, 2022.

King Maker Marketing, Inc. also manufactures and received FTC approval of its plan for certain varieties of the Wildhorse brand. King Maker Marketing, Inc. intends to manufacture the Ace brand and is now concurrently submitting the brand styles of that brand. King Maker Marketing, Inc. doesn't currently manufacture or advertise any other brands.

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

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

The four warnings that will be displayed are:

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

(2)

King Maker Marketing, Inc. also requests to modify its previously approved advertisement plan to include advertising up to 20 sq. feet for the Ultra Buy brand as well as internet advertising of the Ultra Buy brand.

We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and we will place the warnings as specified in those plans. The warnings will be rotated quarterly according to the schedule set out below. Copies of the formats King Maker Marketing, Inc. will be using were submitted with letters dated March 14, 2018 and April 2, 2018 and the size of our advertisements for the Ultra Buy brand will not exceed 20 sq. feet.

In internet advertising, the warnings will be displayed in an unavoidable manner on every web page, where they may be viewed without scrolling and shall not be accessed through hyperlinks, popups, interstitials, or other similar means. We will use the warnings formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warnings shall be proportionate to those warnings formats. The Warnings will be rotated quarterly according to the schedule below. We do intend to continue to advertise the Ace and Wildhorse brands and are adding the Ultra Buy brand. The warnings in internet advertising for the Ultra Buy brand will appear as they do on the www.gopremier.com website.

ROTATION WARNING SCHEDULE			
		WILDHORSE/	
QUARTER	ACE	MULTIPLE BRANDS	ULTRA BUY
1ST QTR	A	D	B
2ND QTR	B	A	C
3RD QTR	C	B	D
4TH QTR	D	C	A

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

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

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

Sincerely,



Terri Albright

Operations/Compliance Director

King Maker Marketing, Inc.

Direct line: 636.537.6823

Email: talbright@usleaf.com

Selected packaging samples from those
submitted with the plan.

Made in the USA
Manufactured under
license from:
King Maker Marketing, Inc.
Raleigh, NC 27608
www.gopremier.com

TP - NC - 15000

FSC



20 CLASS A CIGARETTES



20 CLASS A CIGARETTES



Underage
Sale
Prohibited

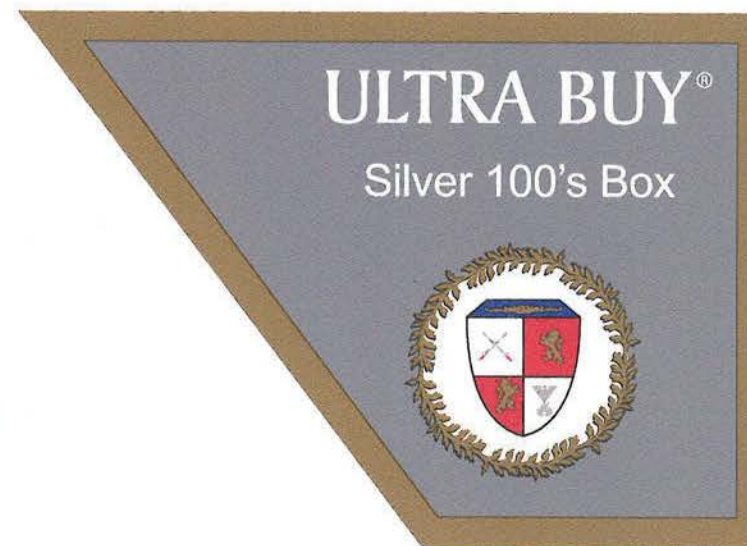
SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly
Reduces Serious Risks to Your Health.

FC1072706-9
024910072-002

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

415-4043-D

**A PRODUCT OF
US FARMERS**



200 CLASS A CIGARETTES

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



Underage Sale Prohibited

Made in the USA
Manufactured under license from:
King Maker Marketing, Inc.
Raleigh, NC 27608
www.gopremier.com

TP - NC - 15000





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

Division of
Advertising Practices

June 17, 2022

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by King Maker Marketing, Inc. (“King Maker”) on June 9, 2022, calling for: (1) quarterly rotation of the four health warnings in advertising up to twenty square feet in size for the Ultra Buy brand of cigarettes; (2) quarterly rotation of the four health warnings in Internet advertising for the Ultra Buy brand; and (3) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Ultra Buy brand.

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

King Maker’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your April 26, 2022 letter appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, King Maker’s plan for simultaneous display of the four health warnings on packaging for the following eight varieties of the Ultra Buy brand is hereby approved: Red

¹ King Maker stated in its June 9, 2022 letter that the four health warnings will appear exactly as shown on the sample packs and cartons submitted on April 26, 2022.

Ms. Terri Albright

June 17, 2022

Page 2

Kings Box, Red 100's Box, Blue Kings Box, Blue 100's Box, Silver 100's Box, Menthol Green Kings Box, Menthol Green 100's Box, and Menthol Silver 100's Box.

This approval of King Maker's plan for the display of the four health warnings on packaging is effective on the date of this letter and runs through June 16, 2023, or until new health warnings required under the TCA take effect, whichever comes first.

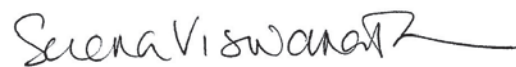
Approval of this plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Serena Viswanathan
Associate Director

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



PREMIER
MANUFACTURING, INC

TM

A USTC COMPANY

June 17, 2022

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

Re: 1839 Brand packaging change

Dear Ms. Viswanathan:

Premier Manufacturing, Inc. had plan approved by the FTC on January 27, 2022 of the Shield Brand, Traffic Brand, 1st Class Brand, Manitou Brand, 1839 Brand and Ultra Buy Brand. Premier Manufacturing, Inc. is requesting approval of the 1839 Brand packaging change on packs and cartons of each of the ten varieties listed below. The warnings will appear exactly as shown on the sample packs and cartons that were enclosed on April 26, 2022.

Ten varieties of 1839 Brand: Red King Box, Red 100 Box, Blue King Box, Blue 100 Box, Silver King Box, Silver 100 Box, Menthol Green King Box, Menthol Green 100 Box, Menthol Blue King Box and Menthol Blue 100 Box

Following the approval of this letter we anticipate beginning use of the new packaging approximately August 1, 2022 and will run out of inventory of previously approved packaging.

We will continue to comply with the plan that was approved on January 27, 2022.

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

Sincerely,

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

www.GoPremier.com

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

Selected packaging samples from those
submitted with the plan.



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



BLUE 100 BOX
20 CLASS A CIGARETTES

Made in the USA
Manufacturing under license from
Premier Manufacturing, Inc.
St. Louis, MO 63005
www.gopremier.com

1839[®]
BLUE 100 BOX

FSC



TP-NC-15000

FCI07072706-1
024910094-002

BLUE 100 BOX
20 CLASS A CIGARETTES



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

415-3129 - WVN 4



BLUE 100 BOX

1839[®]

BLUE 100 BOX

1839[®]

1839[®]

BLUE 100 BOX

A PRODUCT OF
US FARMERS

UNDERAGE
SALE
PROHIBITED

1839[®]

MENTHOL GREEN KING BOX
200 CLASS A CIGARETTES



A PRODUCT OF US FARMERS[®]



FSC

8 79982 00002 2

UNDERAGE SALE PROHIBITED



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



1839

MENTHOL GREEN KING BOX
200 CLASS A CIGARETTES



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

Division of
Advertising Practices

June 17, 2022

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

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341 (“the Cigarette Act”). Pursuant to that delegation, Premier Manufacturing, Inc.’s (“Premier”) January 26, 2022 plan for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1839, 1st Class, Shield, Traffic, Ultra Buy, and Manitou brands of cigarettes was approved on January 27, 2022.

By letter dated June 17, 2022, you now propose to modify the packs and cartons for the following ten box varieties of the 1839 brand: Red (Kings and 100’s), Blue (Kings and 100’s), Silver (Kings and 100’s), Menthol Green (Kings and 100’s), and Menthol Blue (Kings and 100’s).

It appears that the health warnings on the modified packaging submitted with your letter of April 26, 2022 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

I wish to remind you that the Commission’s January 27, 2022 approval of Premier’s plan for simultaneous display of the warnings on packaging for its cigarettes runs through **January 26, 2023, or until new health warnings required under the TCA take effect, whichever comes first.**

Please note that this letter only approves Premier’s submitted packaging modifications with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act (“TCA”). Moreover, it is not in any way an approval of any other design element, statement, or representation made on packaging or in

¹ Premier stated in its June 17, 2022 letter that it intends to run out its existing inventory of approved packaging for the 1839 brand.

Ms. Terri Albright

June 17, 2022

Page 2

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

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Serena Viswanathan", followed by a long, horizontal, slightly wavy line that extends to the right.

Serena Viswanathan
Associate Director