



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 10, 2011

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

Dear Mr. McGowan:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Susan Jesmer d/b/a Native Trading Associates (“NTA”) on June 8, 2011, calling for: (1) quarterly rotation of the four health warnings in advertising for the Mohawk brand 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 Native and Mohawk brands.

NTA’s plan for quarterly rotation of the four health warnings in advertising for the Mohawk brand is hereby approved. Approval of this advertising plan assumes that the plan is implemented in good faith.

NTA’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters on the following dates¹ appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness:

Brand
Native

Submission Date(s)
March 24, 2008
May 22, 2010
June 9, 2010

¹ NTA stated in its June 8, 2011 letter that the four health warnings will appear exactly as shown on the sample packaging submitted on these dates.

August 2, 2010
March 28, 2011

Mohawk
March 28, 2011
April 8, 2011

Accordingly, NTA's plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties effective on the date of this letter through **June 8, 2012**²:

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

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

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

² We note that the full names for the varieties of the Native and Mohawk brands set forth in NTA's June 8, 2011 letter do not always appear on the packaging – *e.g.*, the words "Blue," "Green," "Ultra," "Red," "Gold," "Silver," "Light Green," and "Brown" do not appear on the packaging. However, when a color is used in a variety's name, it does appear to conform to the color used in its packaging. We also note that the word "Menthol" does not appear on the packaging for the "Native Menthol (Green)" and "Mohawk Menthol (Light Green)" varieties.

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

William J. McGowan

June 10, 2011

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

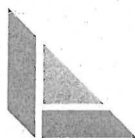
Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director



Liggett Group

John R. Long
Vice President & General Counsel

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

June 3, 2011

BY FED EX

Ms. Mary K. Engle
Associate Director, Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, NW
Room NJ 3212
Washington, DC 20001
Attention: Bonnie McGregor

Re: Application to Renew Liggett Group Cigarette Warning Rotation Plan

Dear Ms. Engle:

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

- by letter dated June 14, 2010 for the annual renewal of certain varieties of the BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID, and TOURNEY cigarette brands (expires June 13, 2011);
- by letter dated November 30, 2010 for BRONSON Full Flavor Filter 100's Box and Gold 100's Box (expires November 29, 2011); and
- by letter dated March 14, 2011 for PYRAMID Non-Filter Kings Box (expires March 13, 2012).

For administrative convenience, Liggett would like to consolidate the renewal dates for all of its brand styles, even though the renewal dates for some are still months away. On brand styles being renewed before one year of equalization, all brand styles have been equalized to date. Therefore, Liggett requests that the FTC renew its rotation plan with respect to all current

Application to Renew Liggett Group Rotation Plan

June 3, 2011

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brand styles as listed on Exhibit B of my enclosed affidavit, which are all current brand styles of the following brands: BRONSON, CLASS A, EVE, GRAND PRIX, LIGGETT SELECT, MONTEGO, PYRAMID, and TOURNEY. This application is for a one-year period beginning on the date of approval of this application.

Two Liggett brand styles no longer qualify for simultaneous warning rotation because their unit sales volume in Liggett's most recent fiscal year (calendar year 2010) exceeded one-quarter of one percent of the total United States cigarette market. These brand styles are PYRAMID Red 100s Box and PYRAMID Blue 100s Box. Liggett is applying for quarterly rotation of the warnings on these two brand styles, in accordance with Section 1333(c)(1) of the Act and Section 2(b) and other applicable provisions of the Plan.

Enclosed with this letter is my affidavit, with Exhibits A and B, which set forth information on total U.S. and Liggett cigarette unit sales in Liggett's most recent fiscal year, which was calendar year 2010. This information shows that, with the exceptions of PYRAMID Red 100s Box and PYRAMID Blue 100s Box, Liggett's sales of any one brand style did not exceed one-fourth of one percent of all cigarettes sold in the United States in 2010, and more than one-half of the cigarettes sold by Liggett were packaged into brand styles that meet this requirement. Accordingly, pursuant to the Act and the Plan, all but the two Liggett brand styles identified above qualify for simultaneous rotation of the four warnings required by the Act.

Except for the two brand styles identified above that will be subject to quarterly warning rotation, the four warnings required by the Act will be printed on the packs and cartons of all other Liggett brand styles an equal number of times within the one-year period beginning on the date of approval of this application.

With respect to the two brand styles that will be subject to quarterly warning rotation (PYRAMID Red 100s Box and PYRAMID Blue 100s Box), the four warnings required by the Act will be printed on the packaging of these brand styles, based on the date of manufacture, in accordance with the quarterly rotation sequence set forth in Schedule A of the Plan, which is as follows:

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

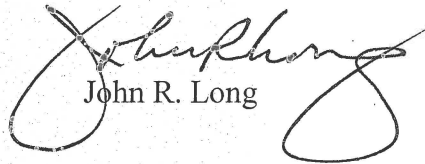
These warnings will appear exactly as shown on the most recent sample packaging previously submitted in connection with Liggett's Plan and subsequent letters as previously approved by the FTC. This will confirm that Liggett, in the ordinary course of business, maintains records of compliance with its approved plans for packaging and advertising.

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

Finally, as I have discussed with Sallie Schools, in order for us to manage the transition to quarterly rotation for the two brand styles that will now be subject to that requirement, we respectfully request that the approval date of this application be as close as possible to the expiration date of Liggett's current annual renewal Plan, which is June 13, 2011. We would greatly appreciate it if the approval date of this application was no earlier than June 11, 2011.

Thank you for your consideration. If you have any questions, please let me know.

Very truly yours,



John R. Long

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated June 3, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
1	BRONSON	Non-Filter Kings Soft Pack		
2	BRONSON	Full Flavor Filter Kings Soft Pack		
3	BRONSON	Full Flavor Filter Kings Box		
4	BRONSON	Full Flavor Filter 100's Soft Pack		
5	BRONSON	Full Flavor Filter 100's Box		
6	BRONSON	Full Flavor Menthol Kings Soft Pack		
7	BRONSON	Full Flavor Menthol 100's Soft Pack		
8	BRONSON	Gold Kings Soft Pack	Lights Kings Soft Pack	
9	BRONSON	Gold Kings Box	Lights Kings Box	
10	BRONSON	Gold 100's Soft Pack	Lights 100's Soft Pack	
11	BRONSON	Gold 100's Box		
12	BRONSON	Silver Kings Soft Pack	Ultra Lights Kings Soft Pack	
13	BRONSON	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack	
14	BRONSON	Gold Menthol Kings Soft Pack	Lights Menthol Kings Soft Pack	
15	BRONSON	Gold Menthol 100's Soft Pack	Lights Menthol 100's Soft Pack	
1	CLASS A	Non-Filter Kings Soft Pack		
2	CLASS A	Full Flavor Filter Kings Soft Pack		
3	CLASS A	Full Flavor Filter 100's Soft Pack		
4	CLASS A	Filter Kings Soft Pack		
5	CLASS A	Filter 100's Soft Pack		
6	CLASS A	Menthol Filter Kings Soft Pack		
7	CLASS A	Menthol Silver 100's Soft Pack	Menthol Ultra Lights 100's Soft Pack	
8	CLASS A	Blue Kings Soft Pack	Ultra Lights Kings Soft Pack	
9	CLASS A	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack	
10	CLASS A	Menthol Filter 100's Soft Pack		
1	EVE	Amethyst 120's Box	Lights 120's Box	
2	EVE	Sapphire 120's Box	Ultra Lights 120's Box	
3	EVE	Menthol Emerald 120's Box	Lights Menthol 120's Box	
4	EVE	Menthol Turquoise 120's Box	Ultra Lights Menthol 120's Box	
1	GRAND PRIX	Non-Filter Classic Kings Soft Pack		
2	GRAND PRIX	Filter Red Kings Soft Pack		
3	GRAND PRIX	Filter Red Kings Box		
4	GRAND PRIX	Filter Red 100s Soft Pack		
5	GRAND PRIX	Filter Red 100s Box		
6	GRAND PRIX	Blue Kings Soft Pack	Lights Blue Kings Soft Pack	
7	GRAND PRIX	Blue Kings Box	Lights Blue Kings Box	
8	GRAND PRIX	Blue 100s Soft Pack	Lights Blue 100s Soft Pack	
9	GRAND PRIX	Blue 100s Box	Lights Blue 100s Box	
10	GRAND PRIX	Orange 100s Soft Pack	Ultra Lights Orange 100s Soft Pack	
11	GRAND PRIX	Orange 100s Box	Ultra Lights Orange 100s Box	
12	GRAND PRIX	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box	
13	GRAND PRIX	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box	
14	GRAND PRIX	Menthol Silver 100s Soft Pack	Menthol Lights Green 100s Soft Pack	
15	GRAND PRIX	Menthol Silver 100s Box	Menthol Lights Green 100s Box	

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated June 3, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
	Note: KINGSPORT brand was discontinued in 2010.			
1	KINGSPORT		LT 100 SP	
2	KINGSPORT		FF 100 SP	
3	KINGSPORT		LT 100 SP MT	
4	KINGSPORT		UL 100 SP	
5	KINGSPORT		FF KS BX	
6	KINGSPORT		LT KS BX	
7	KINGSPORT		FF KS BX MT	
8	KINGSPORT		LT KS SP MT	
1	LIGGETT SELECT	Non-Filter Kings Soft Pack		
2	LIGGETT SELECT	Red Kings Soft Pack	Full Flavor Kings Soft Pack	
3	LIGGETT SELECT	Red Kings Box	Full Flavor Kings Box	
4	LIGGETT SELECT	Red 100's Soft Pack	Full Flavor 100's Soft Pack	
5	LIGGETT SELECT	Red 100's Box	Full Flavor 100's Box	
6	LIGGETT SELECT	Gold Kings Soft Pack	Lights Kings Soft Pack	
7	LIGGETT SELECT	Gold Kings Box	Lights Kings Box	
8	LIGGETT SELECT	Gold 100's Soft Pack	Lights 100's Soft Pack	
9	LIGGETT SELECT	Gold 100's Box	Lights 100's Box	
10	LIGGETT SELECT	Silver 100's Soft Pack	Ultra Lights 100's Soft Pack	
11	LIGGETT SELECT	Silver 100's Box	Ultra Lights 100's Box	
12	LIGGETT SELECT	Menthol Gold Kings Box	Menthol (Full Flavor) Kings Box	
13	LIGGETT SELECT	Menthol Gold 100's Box	Menthol (Full Flavor) 100's Box	
14	LIGGETT SELECT	Menthol Silver Kings Box	Menthol Lights Kings Box	
15	LIGGETT SELECT	Menthol Silver 100's Soft Pack	Menthol Lights 100's Soft Pack	
16	LIGGETT SELECT	Menthol Silver 100's Box	Menthol Lights 100's Box	
1	MONTEGO	Full Flavor Kings Box		
2	MONTEGO	Full Flavor 100's Box		
3	MONTEGO	Gold Kings Box	Lights Kings Box	
4	MONTEGO	Gold 100's Box	Lights 100's Box	
5	MONTEGO	Blue 100's Box	Ultra Lights 100's Box	
6	MONTEGO	Menthol Kings Box		
7	MONTEGO	Menthol Silver Kings Box	Menthol Lights Kings Box	
8	MONTEGO	Menthol Silver 100's Box	Menthol Lights 100's Box	
9	MONTEGO		Full Flavor Kings Soft Pack	
10	MONTEGO		Lights 100's Soft Pack	
1	PYRAMID	Non-Filter Kings Soft Pack		
2	PYRAMID	Non-Filter Kings Box		
2	PYRAMID	Red Kings Box		
3	PYRAMID	Red 100s Box		
4	PYRAMID	Blue Kings Box	Lights Blue Kings Box	
5	PYRAMID	Blue 100s Box	Lights Blue 100s Box	
6	PYRAMID	Orange Kings Box	Ultra Lights Orange Kings Box	
7	PYRAMID	Orange 100s Box	Ultra Lights Orange 100s Box	
8	PYRAMID	Menthol Gold Kings Box	Menthol Rich Green (Full Flavor) Kings Box	
9	PYRAMID	Menthol Gold 100s Box	Menthol Rich Green (Full Flavor) 100s Box	
10	PYRAMID	Menthol Silver Kings Box	Menthol Lights Green Kings Box	
11	PYRAMID	Menthol Silver 100s Box	Menthol Lights Green 100s Box	
12	PYRAMID		Full Flavor Filter Kings Soft Pack	
13	PYRAMID		Full Flavor Filter 100's Soft Pack	
14	PYRAMID		Lights Filter Kings Soft Pack	
15	PYRAMID		Lights Filter 100's Soft Pack	
16	PYRAMID		Ultra Lights Filter 100's Soft Pack	
17	PYRAMID		Lights Menthol Filter 100's Soft Pack	

Exhibit B

**Liggett Group LLC
Application to Renew Warning Rotation Plan
Dated June 3, 2011**

2010 Gross Unit Sales by Brand Style

	Brand	Current Brand Style Name	Discontinued Brand Style Name	2010 Units Sold
	Note: SINCERELY YOURS brand was discontinued in 2010.			
1	SINCERELY YOURS		LT 100 SP MT	
2	SINCERELY YOURS		UL 100 SP	
3	SINCERELY YOURS		LT 100 SP	
	Note: QUALITY brand was discontinued in 2010.			
1	QUALITY		Non-Filter Kings Soft Pack	
2	QUALITY		Filter (Full Flavor) Kings Box	
3	QUALITY		Full Flavor Filter 100's Soft Pack	
4	QUALITY		Lights Kings Soft Pack	
5	QUALITY		Lights 100's Soft Pack	
6	QUALITY		Ultra Lights 100's Soft Pack	
7	QUALITY		Lights Menthol Kings Soft Pack	
8	QUALITY		Lights Menthol 100's Soft Pack	
1	TOURNEY	Non-Filter Kings Soft Pack		
2	TOURNEY	Full Flavor Kings Soft Pack		
3	TOURNEY	Full Flavor Kings Box		
4	TOURNEY	Full Flavor 100's Soft Pack		
5	TOURNEY	Full Flavor 100's Box		
6	TOURNEY	Gold Kings Soft Pack	Lights Kings Soft Pack	
7	TOURNEY	Gold Kings Box	Lights Kings Box	
8	TOURNEY	Gold 100's Soft Pack	Lights 100's Soft Pack	
9	TOURNEY	Gold 100's Box	Lights 100's Box	
10	TOURNEY	Blue 100's Soft Pack	Ultra Lights 100's Soft Pack	
11	TOURNEY	Menthol Full Flavor Kings Box		
12	TOURNEY	Menthol Full Flavor 100's Box		
13	TOURNEY	Menthol Gold Kings Soft Pack	Menthol Lights Kings Soft Pack	
14	TOURNEY	Menthol Gold 100's Soft Pack	Menthol Lights 100's Soft Pack	
15	TOURNEY	Menthol Gold 100's Box	Menthol Lights 100's Box	
16	TOURNEY	Slims Rose 120's Box	Slims Lights 120's Box	
17	TOURNEY	Slims Blue 120's Box	Slims Ultra Lights 120's Box	
18	TOURNEY	Slims Menthol Teal 120's Box	Slims Menthol Lights 120's Box	
	Note: YOURS brand was discontinued in 2010.			
1	YOURS		LT 100 SP	
2	YOURS		FF 100 SP	
3	YOURS		LT KS BX	
4	YOURS		LT KS SP	
5	YOURS		UL 100 SP	
6	YOURS		FF KS SP MT	
7	YOURS		FF 100 SP MT	
8	YOURS		FF KS SP	
9	YOURS		LT 100 SP MT	
10	YOURS		NF KS SP	



Division of Advertising Practices

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 10, 2011

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

Dear Mr. Long:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Liggett Goup LLC (“Liggett”) on June 3, 2011, calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Bronson, Class A, Eve, Grand Prix, Liggett Select, Montego, Pyramid, and Tourney brands of cigarettes, and (2) quarterly rotation of the four health warnings on packaging for the Pyramid Red 100's hard pack and Pyramid Blue 100's hard pack varieties of cigarettes.

Liggett's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the Pyramid Red 100's hard pack and Pyramid Blue 100's hard pack varieties, and the warnings on the sample packs and cartons submitted with your letters on the following dates continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness¹:

<u>Brand</u>	<u>Date(s)</u>
Class A	February 7, 2000 May 4, 2010

¹ Liggett stated in its June 3, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act. Furthermore, the four health warnings must appear exactly as shown on the packs and cartons that the Commission has most recently approved.

Liggett Select	November 8, 2004 May 4, 2010 June 2, 2010
Tourney	November 30, 2005 May 4, 2010
Bronson	March 2, 2006 May 4, 2010 June 2, 2010 September 21, 2010
Montego	April 3, 2006 May 4, 2010 June 2, 2010
Grand Prix	September 29, 2008 May 4, 2010
Pyramid	September 25, 2009 May 4, 2010 February 23, 2011
Eve	May 4, 2010

Accordingly, Liggett's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 9, 2012**:

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

Kings (soft pack and hard pack), Blue 100's (soft pack and hard pack), Orange 100's (soft pack and hard pack), Menthol Gold Kings (hard pack), Menthol Gold 100's (hard pack), and Menthol Silver 100's (soft pack and hard pack);

- Sixteen varieties of the Liggett Select brand: Non-Filter Kings (soft pack), Red Kings (soft pack and hard pack), Red 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Silver 100's (soft pack and hard pack), Menthol Gold Kings (hard pack), Menthol Gold 100's (hard pack), Menthol Silver Kings (hard pack), and Menthol Silver 100's (soft pack and hard pack);
- Eight hard pack varieties of the Montego brand: Full Flavor Kings, Full Flavor 100's, Gold Kings, Gold 100's, Blue 100's, Menthol Kings, Menthol Silver Kings, and Menthol Silver 100's;
- Ten varieties of the Pyramid brand: Non-Filter Kings (soft pack and hard pack), Red Kings (hard pack), Blue Kings (hard pack), Orange Kings (hard pack), Orange 100's (hard pack), Menthol Gold Kings (hard pack), Menthol Gold 100's (hard pack), Menthol Silver 100's (hard pack), and Menthol Silver Kings (hard pack); and
- Eighteen varieties of the Tourney brand: Non-Filter Kings (soft pack), Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Gold Kings (soft pack and hard pack), Gold 100's (soft pack and hard pack), Blue 100's (soft pack), Menthol Full Flavor Kings (hard pack), Menthol Full Flavor 100's (hard pack), Menthol Gold Kings (soft pack), Menthol Gold 100's (soft pack and hard pack), Slims Rose 120's (hard pack), Slims Blue 120's (hard pack), and Slims Menthol Teal 120's (hard pack).

Liggett's plan for quarterly rotation of the four health warnings on packaging for the Pyramid Red 100's hard pack and Pyramid Blue 100's hard pack varieties is also approved.

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

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

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.

John R. Long
June 10, 2011
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FSPTCA or any regulations that have been or might be promulgated by the Department of Health and Human Services under that statute, including but not limited to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (published March 19, 2010).

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

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

Very truly yours,



Mary K. Engle
Associate Director



ITL (USA) Limited
An affiliate of
Imperial Tobacco Canada Limited

103 Foulk Road
Suite 202
Wilmington, DE 19803

Tel. (302) 691-6158
Fax (302) 658-4269

May 11, 2011

Ms. Sally Schools
Federal Trade Commission
Division of advertising practices
601 New Jersey Ave. N.W.
Room N.J. 3212
Washington D.C. 20580

**Re: § 1333(a)(b) of the *Federal Cigarette Labeling and Advertising Act*
Surgeon General's Warning – du Maurier packaging change in
beveled angle**

Dear Ms. Schools:

Pursuant to our recent telephone conversation, please find enclosed herewith our du Maurier packaging depicting the four (4) Surgeon General Cigarette Warnings on each of the packs and cartons of our brand styles.

As discussed, the only change made to the previously approved du Maurier packaging pertains to the angle of the beveled packaging structure which was formerly 60 degrees and has now become 45 degrees, following a recent change in the machinery used to produce our packaging. This change does not affect the colour or the design of the display surface where the Surgeon General Cigarette Warnings are printed. Therefore, we respectfully submit that the display of these warnings continues to meet the size and conspicuousness requirements of the *Federal Cigarette Labeling and Advertising Act*.

As we submitted to you in our letter dated March 28, 2011, ITL (USA) Limited will continue to simultaneously display all four warnings labels as shown on the enclosed samples.

Lastly, as mentioned during our telephone conversation, du Maurier has redesigned its packaging, which we will submit for your approval in the following weeks, as soon as the material is ready.

We kindly request written confirmation by the Federal Trade Commission that the enclosed du Maurier cigarette packaging meets the requirements of Section 1333(a) (b) of the *Federal Cigarette Labeling and Advertising Act*.

Thank you in advance for your assistance. Please do not hesitate to contact the undersigned should you require further information.

Yours truly,



Denis Faucher
President, ITL (USA) Limited

Cc: Maria Reit, Imperial Tobacco Canada Limited

List of brand styles included in the request:

**du Maurier style cigarettes
sold by ITL (USA) Limited**

Current Packaging

New packaging

225674 du Maurier Regular Size

226674 du Maurier Regular Size

225874 du Maurier Distinct Reg Size

227074 du Maurier Distinct Reg Size

7774 du Maurier King Size

226474 du Maurier King Size

223074 du Maurier Distinct King Size

227274 du Maurier Distinct King Size

224074 du Maurier Premiere King Size

228274 du Maurier Premiere King Size

33774 du Maurier Special
King Size 100

NO CHANGE

Selected packaging samples from those
submitted with the plan.

DC MAURIER
PREMIUM CIGARETTES



1015697

DC MAURIER
PREMIERE



HAVE A SUGGESTION OR
SOMETHING TO SAY?
DON'T BE SHY, CONTACT US WITH
ANY COMMENTS YOU MAY HAVE.

SMALL STEPS MAKE THE DIFFERENCE.

www.1-800-311-2000.ca



FSC

PREMIERE



DC MAURIER

NOT FOR SALE
VENTE INTERDITE
IN / AU CANADA

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

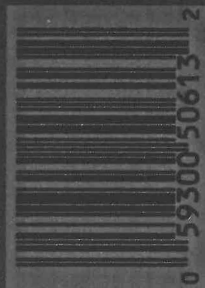


DU MAURIER

DISTINCT

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

FSC



8X25-200
CIGARETTES
KING SIZE
CLASSE A



DU MAURIER

DISTINCTE



AURIER

8 x 25 PREMIUM KING SIZE

8 x 25 CIGARETTES PREMIUM KING SIZE CLASSE A

8 x 25 200



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 16, 2011

Denis Faucher
President
ITL (USA) Limited
103 Foulk Road, Suite 202
Wilmington, DE 19803

Dear Mr. Faucher:

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. §§ 1331-1340 ("the Cigarette Act"). Pursuant to that delegation, ITL (USA) Limited's ("ITL") March 28, 2011 plan for simultaneous display of the four health warnings on packaging for certain varieties of the du Maurier, Matinee, and Player's brand of cigarettes was approved on April 18, 2011. By letter dated May 11, 2011, you now propose to redesign the packs and cartons for the du Maurier brand.

It appears that the health warnings on the redesigned packs and cartons for the following five hard pack varieties of the du Maurier brand submitted with your May 11, 2011 letter continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness: Regular size, Distinct Regular size, King size, Distinct King size, and Premiere King size.

I wish to remind you that ITL's health warning statement plan for display of the warnings on its cigarettes expires on April 17, 2012.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example,

Denis Faucher
June 16, 2011
Page 2

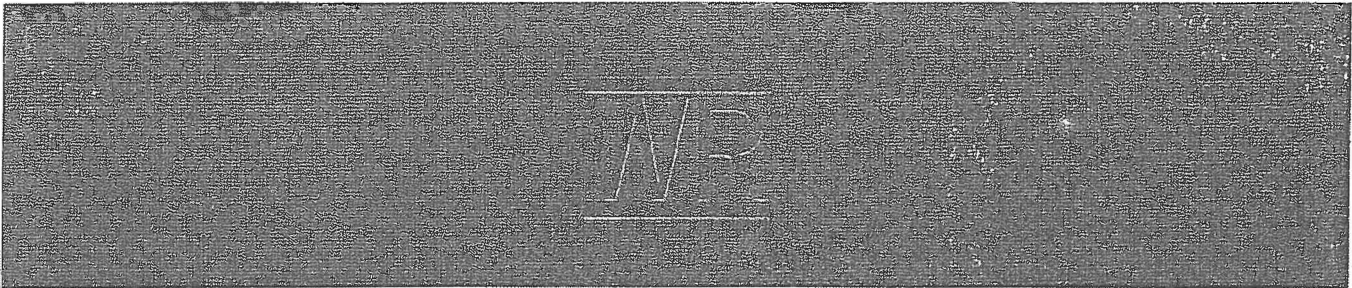
since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. The FSPTCA also imposes registration and reporting requirements on tobacco manufacturers and importers, and addresses the marketing and sale of "modified risk tobacco products." You can find additional information at www.fda.gov/TobaccoProducts/default.htm, or www.fda.gov/TobaccoProducts/ResourcesforYou/ForIndustry/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

If you have any questions regarding this letter, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,

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

Mary K. Engle
Associate Director



June 8, 2011

VIA Facsimile & UPS 2nd Day Air

Ms. Mary K. Engle
Associate Director
Federal Trade Commission
Division of Advertising Practices
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

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

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for renewal of the plan of Wind River Tobacco Company, LLC, ("WRTC") for its American Bison® & Nashville® cigarette brands. WRTC's address is Post Office Box 4600, Jackson Hole, Wyoming 83001, with corporate offices at 1315 S. Hwy 89 Suite 202, Jackson, WY 83001 (The U.S. Postal Service, ("USPS"), does not deliver to physical addresses in Jackson, WY. Correspondence by USPS must be addressed to P.O. Box 4600. Non-USPS correspondence carried by UPS, FedEx, etc. must be addressed to 1315 S. Hwy 89 Suite 202, Jackson, WY).

I, Stacy Saunders, Chief Compliance Officer of WRTC confirm and warrant that I will cause the company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly displayed for American Bison® & Nashville® cigarettes. WRTC will display the four warnings so that they will appear an equal number of times on the packs and cartons of each brand style of American Bison® Cigarettes & Nashville® Cigarettes it manufactures during the twelve month period following approval of this application. Wind River Tobacco will keep records of compliance for the submitted rotation plan. WRTC manufactures American Bison® Cigarettes & Nashville® Cigarettes under our tobacco manufacturing license number TP-TN-15001.

P.O Box 4600 • 1315 S Hwy 89 Suite 202 • Jackson Hole, WY 83001
PH: 307-733-3878 • FX: 307-733-3899

During 2011, WRTC plans to manufacture four brand styles of American Bison® Cigarettes: (1) Bold Filter King Size Soft Pack Cigarettes (2) Mellow Filter King Size Soft Pack Cigarettes (3) Bold Organic Filter King Size Soft Pack Cigarettes (4) Mellow Organic Filter King Size Soft Pack Cigarettes and three brand styles of Nashville® Cigarettes: (1) Full Flavor Filter King Size Soft Pack Cigarettes; (2) Smooth Filter King Size Pack Soft Pack Cigarettes and (3) Menthol Filter King Size Soft Pack Cigarettes. 15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean: a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

WRTC operates on a calendar year. WRTC believes that sales of American Bison® Cigarettes & Nashville® Cigarettes will not exceed one quarter of one percent of cigarettes manufactured in the United States during calendar year 2011. The combined sales of each of WRTC's two American Bison® & three Nashville® brand styles which are the only brands and brand styles manufactured by WRTC were well below one quarter of one percent of the cigarettes sold in the United States during 2010. These determinations are based upon WRTC's records showing that sales made during calendar year 2010 were [REDACTED] American Bison® Cigarette sticks and [REDACTED] Nashville® Cigarette sticks. Estimated 2011 sales are: [REDACTED] sticks. The statutory requirement that more than half of WRTC's brand styles fall below the maximum volume will be satisfied as well.

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

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and
- (ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

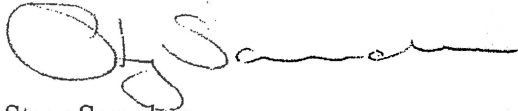
WRTC submitted its plan for advertising the American Bison® brand in advertisements not exceeding 720 square inches on April, 23 2002. WRTC submitted its internet advertising plan for the American Bison® brand on June 16th 2004 and for the Nashville® brand on February 9th 2006. WRTC will maintain compliance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

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

The second submission on May 10th contained packaging samples for two brand styles of American Bison® Cigarettes: (1) Bold Organic Filter King Size Soft Pack Cigarettes (2) Mellow Organic Filter King Size Soft Pack Cigarettes. The four cigarette health warnings will appear exactly as shown on the representative samples of packaging for the American Bison® Cigarettes and for the Nashville® Cigarettes brands.

Please let me know if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stacy Saunders". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke extending to the right.

Stacy Saunders
Chief Compliance Officer

Selected packaging samples from those
submitted with the plan.

20 CLASS A
CIGARETTES
TP-TN-15001

Wind River Tobacco Co., LLC
Jackson, WV 83001
No additives in our tobacco
does NOT mean a safer cigarette.
Please Don't Lier



AMERICAN
BISON

ORGANIC
TOBACCO

BOLD
FILTERED CIGARETTES

AMERICAN
BISON
BOLD

Underage
Sale
Prohibited

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

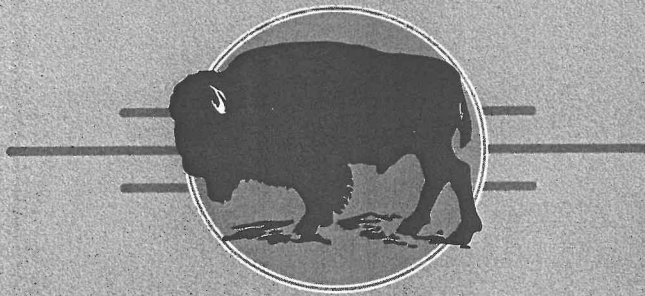


AMERICAN
BISON

ORGANIC
TOBACCO

BOLD
FILTERED CIGARETTES

MADE IN USA



FILTERED CIGARETTES

MELLOW



A M E R I C A N B I S O N

ADDITIVE FREE NATURAL TOBACCO

FSC



MADE IN USA



FILTERED
CIGARETTES

MELLOW



A M E R I C A N B I S O N

ADDITIVE FREE NATURAL TOBACCO

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

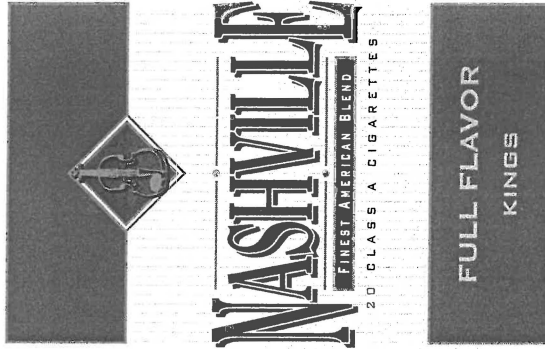
Underage Sale Prohibited

MADE IN USA

20 CLASS A
CIGARETTES
TP-TN-15001

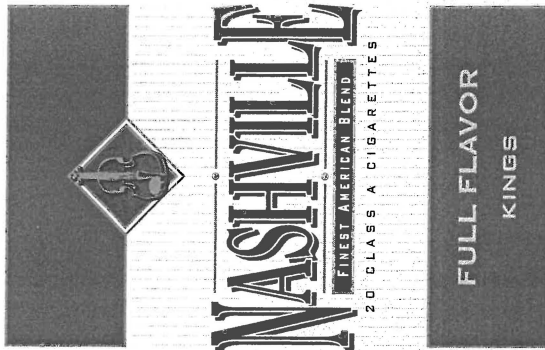
Wind River Tobacco Co., LLC
Jackson, WY 83001

Please Don't Litter

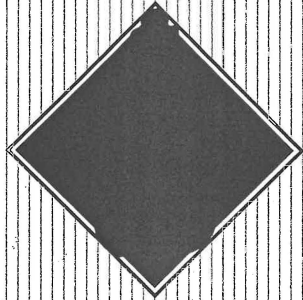


Underage
Sale
Prohibited

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



200 CLASS A CIGARETTES



MADE IN USA

NASHVILLE

FINEST AMERICAN BLEND

SMOOTH

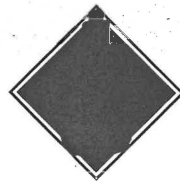
KINGS

200 CLASS A CIGARETTES

FSC



8 31593 24222 1



MADE IN USA

200 CLASS A CIGARETTES

NASHVILLE

FINEST AMERICAN BLEND

SMOOTH KINGS

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



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 16, 2011

Stacy Saunders
Wind River Tobacco Co.
P.O. Box 4600
1315 S. Hwy 89, Suite 202
Jackson Hole, WY 83001

Dear Ms. Saunders:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Wind River Tobacco Co. (WRTC) on June 8, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the American Bison and Nashville brands of cigarettes.

WRTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 26, 2011 (American Bison, Nashville) and May 10, 2011 (American Bison) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. Accordingly, WRTC's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 15, 2012**:

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

Approval of WRTC's plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

¹ 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.


Stacy Saunders
June 16, 2011
Page 2

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

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director

June 15, 2011



Ms. Mary K. Engle
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W.
Room NJ-3212
Washington, DC 20580

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for approval of the alternative method to the quarterly Surgeon General Warning rotation plan for revised packaging of the following two (2) renamed king size box varieties of the Nightclub cigarette brand:

Current Brand Variety Name (Nightclub brand)	Previous Brand Variety Name (Nightclub brand)
Nightclub Rich King Size Box	Nightclub Full Flavor Kings International Size Hard Pack
Nightclub Smooth King Size Box	Nightclub Light Kings International Size Hard Pack

This letter is also being submitted for the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of the following thirteen (13) varieties of the Exact cigarette brand, twelve (12) varieties of the Exact Elite cigarette brand, twelve (12) styles of the Lewiston cigarette brand, twenty (20) varieties of the Market cigarette brand, one (1) style of the Maple Leaf cigarette brand, twenty-two (22) styles of the Smokin Joes cigarette brand, eighteen (18) styles of the Smokin Joes Natural cigarette brand, and fifteen (15) styles of the Smokin Joes Premium cigarette brand:

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

800-274-8010
www.smokinjoe.com



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

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

Smokin Joes Cigarette Brand

Smokin Joes Red 100 Size Soft Pack
Smokin Joes Red 100 Size Box
Smokin Joes Red King Size Box
Smokin Joes Red King Size Soft Pack
Smokin Joes Gold 100 Size Soft Pack
Smokin Joes Gold 100 Size Box
Smokin Joes Gold King Size Box
Smokin Joes Gold King Size Soft Pack
Smokin Joes Menthol 100 Size Soft Pack
Smokin Joes Menthol 100 Size Box
Smokin Joes Menthol King Size Soft Pack
Smokin Joes Menthol King Size Box
Smokin Joes Menthol Gold 100 Size Soft Pack
Smokin Joes Menthol Gold 100 Size Box
Smokin Joes Menthol Gold King Size Soft Pack
Smokin Joes Menthol Gold King Size Box
Smokin Joes NonFilter King Size Soft Pack
Smokin Joes NonFilter King Size Box
Smokin Joes Blue 100 Size Soft Pack
Smokin Joes Blue 100 Size Box
Smokin Joes Blue King Size Soft Pack
Smokin Joes Blue King Size Box

Smokin Joes Natural Cigarette Brand
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Smokin Joes Natural Purple 100 Size Soft Pack
Smokin Joes Natural Purple 100 Size Box
Smokin Joes Natural Purple King Size Box
Smokin Joes Natural Purple King Size Soft Pack
Smokin Joes Natural Silver 100 Size Soft Pack
Smokin Joes Natural Silver 100 Size Box
Smokin Joes Natural Silver King Size Soft Pack
Smokin Joes Natural Silver King Size Box
Smokin Joes Natural Menthol 100 Size Soft Pack
Smokin Joes Natural Menthol King Size Box
Smokin Joes Natural Red 100 Size Soft Pack
Smokin Joes Natural Red King Size Soft Pack
Smokin Joes Natural Menthol Gold 100 Size Soft Pack
Smokin Joes Natural Menthol Gold King Size Box
Smokin Joes Natural Non-Filter King Size Soft Pack
Smokin Joes Natural White 100 Size Soft Pack
Smokin Joes Natural White 100 Size Box

Smokin Joes Natural White King Size Soft Pack
Smokin Joes Premium Cigarette Brand
Smokin Joes Premium Canadian Red King Size Box
Smokin Joes Premium Canadian Blue King Size Box
Smokin Joes Premium Red 100 Size Soft Pack
Smokin Joes Premium Red King Size Box
Smokin Joes Premium Red King Size Soft Pack
Smokin Joes Premium Gold 100 Size Soft Pack
Smokin Joes Premium Gold King Size Box
Smokin Joes Premium Gold King Size Soft Pack
Smokin Joes Premium Menthol 100 Size Soft Pack
Smokin Joes Premium Menthol King Size Soft Pack
Smokin Joes Premium Menthol Gold 100 Size Soft Pack
Smokin Joes Premium Menthol Gold King Size Soft Pack
Smokin Joes Premium NonFilter King Size Soft Pack
Smokin Joes Premium Blue 100 Size Soft Pack
Smokin Joes Premium Blue King Size Soft Pack

These cigarettes are manufactured by Joseph M. Anderson d/b/a Smokin Joes. Upon approval of this plan, the manufacturer will continue to sell these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-NY-168).

The products submitted with this plan will be and will continue to be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted to the Federal Trade Commission with my May 11, 2010 letter with the exception of the renamed Nightclub brand styles. The warnings for the renamed Nightclub brand styles will appear exactly as shown on the sample packs and cartons submitted with my May 4, 2011 letter.

Smokin Joes believes that its low sales volume of cigarettes fits the criteria for the alternative to quarterly rotation of warnings on packaging, provided for in Section 1333 (c)(2) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331; sales figures for all Smokin Joes manufactured and imported brands are provided on Exhibit A. Smokin Joes manufactures a number of cigarette brand styles and until October 2009 imported the Lewiston Special cigarette brand and Exact Special cigarette brand. Smokin Joes no longer imports the Lewiston Special and Exact Special cigarette brands. Of all Smokin Joes manufactured and imported cigarette brand styles, from May 1, 2010 through April 30, 2011, the biggest seller was Smokin Joes Full Flavor 100 Size Box totaling [REDACTED] sticks.


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

Smokin Joes continues to be in compliance with its October 7, 2010 packaging plan for the Outdoor Freedom cigarette brand approved on October 26, 2010. The four warnings continue to appear exactly as shown on the packaging of Outdoor Freedom that was submitted with our letter dated August 27, 2010.

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

Smokin Joes, the manufacturer, is aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the company's efforts are always to be fully compliant with the regulations. Smokin Joes will maintain record of compliance with the approved plan. The submitted carton and pack label for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-754-4064 x225.

Sincerely,



Karen E. Delaney
Tax Compliance Manager

EXHIBIT A

PRODUCT EXACT	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
EXACT CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE SOFT PACK	
EXACT CANADIAN LIGHT (CANADIAN BLUE) KING SIZE SOFT PACK	
EXACT FULL FLAVOR (RED) 100 SOFT PACK	
EXACT FULL FLAVOR (RED) KING BOX	
EXACT FULL FLAVOR (RED) KING SOFT PACK	
EXACT LIGHTS (GOLD) 100 SOFT PACK	
EXACT LIGHTS (GOLD) KING BOX	
EXACT LIGHTS (GOLD) KING SOFT PACK	
EXACT MENTHOL 100 SOFT PACK	
EXACT MENTHOL KING SOFT PACK	
EXACT MENTHOL LIGHTS (MENTHOL GOLD) 100 SOFT PACK	
EXACT MENTHOL LIGHTS (MENTHOL GOLD) KING SOFT PACK	
EXACT ULTRA LIGHTS (BLUE) 100 SOFT PACK	
PRODUCT EXACT ELITE	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
EXACT ELITE FULL FLAVOR (RED) KING SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) 100 SOFT PACK	
EXACT ELITE FULL FLAVOR (RED) KING SIZE BOX	
EXACT ELITE LIGHTS (GOLD) 100 SIZE SOFT PACK	
EXACT ELITE LIGHTS (GOLD) KING SIZE BOX	
EXACT ELITE LIGHTS (GOLD) KING SIZE SOFT PACK	
EXACT ELITE MENTHOL KING SIZE SOFT PACK	
EXACT ELITE MENTHOL 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL LIGHTS (MENTHOL GOLD) 100 SIZE SOFT PACK	
EXACT ELITE MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE SOFT PACK	
EXACT ELITE NON-FILTER KING SIZE BOX	
EXACT ELITE ULTRA LIGHTS (BLUE) 100 SIZE SOFT PACK	
PRODUCT MAPLE LEAF	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
MAPLE LEAF CANADIAN LIGHTS (CANADIAN BLUE) KING SIZE BOX	

PRODUCT MARKET	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
MARKET FULL FLAVOR (RED) 100 SIZE BOX	
MARKET FULL FLAVOR (RED) 100 SOFT PACK	
MARKET FULL FLAVOR (RED) KING BOX	
MARKET FULL FLAVOR (RED) KING SOFT PACK	
MARKET LIGHTS (GOLD) 100 SIZE BOX	
MARKET LIGHTS (GOLD) 100 SOFT PACK	
MARKET LIGHTS (GOLD) KING BOX	
MARKET LIGHTS (GOLD) KING SOFT PACK	
MARKET MENTHOL 100 BOX	
MARKET MENTHOL 100 SOFT PACK	
MARKET MENTHOL KING BOX	
MARKET MENTHOL KING SOFT PACK	
MARKET MENTHOL LIGHTS (MENTHOL GOLD) 100 BOX	
MARKET MENTHOL LIGHTS (MENTHOL GOLD) 100 SOFT PACK	
MARKET MENTHOL LIGHTS (MENTHOL GOLD) KING SOFT PACK	
MARKET MENTHOL ULTRA LIGHTS (MENTHOL BLUE) 100 SIZE BOX	
MARKET NON-FILTER KING SIZE BOX	
MARKET ULTRA LIGHTS (BLUE) 100 BOX	
MARKET ULTRA LIGHTS (BLUE) 100 SIZE SOFT PACK	
MARKET BLUE KING SIZE BOX	
PRODUCT NIGHTCLUB	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
NIGHTCLUB FULL FLAVOR KING SIZE INTERNATIONAL STLYE BOX	
NIGHTCLUB LIGHT KING SIZE INTERNATIONAL STLYE BOX	
NIGHTCLUB RICH KING SIZE BOX	
NIGHTCLUB SMOOTH KING SIZE BOX	
PRODUCT SMOKIN JOES NATURAL	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SIZE BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) 100 SOFT PACK	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING BOX	
SMOKIN JOES NATURAL FULL FLAVOR (PURPLE) KING SOFT PACK	
SMOKIN JOES NATURAL LIGHTS (SILVER) 100 SIZE BOX	
SMOKIN JOES NATURAL LIGHTS (SILVER) 100 SOFT PACK	
SMOKIN JOES NATURAL LIGHTS (SILVER) KING SIZE BOX	
SMOKIN JOES NATURAL LIGHTS (SILVER) KING SOFT PACK	
SMOKIN JOES NATURAL MEDIUM (RED) 100 SOFT PACK	
SMOKIN JOES NATURAL MEDIUM (RED) KING SOFT PACK	
SMOKIN JOES NATURAL MENTHOL 100 SIZE SOFT PK	
SMOKIN JOES NATURAL MENTHOL KING SIZE BOX	
SMOKIN JOES NATURAL MENTHOL LIGHTS (MENTHOL GOLD) 100 SOFT PK	
SMOKIN JOES NATURAL MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE BOX	
SMOKIN JOES NATURAL NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOES NATURAL ULTRA LIGHTS (WHITE) 100 SIZE BOX	
SMOKIN JOES NATURAL ULTRA LIGHTS (WHITE) 100 SIZE SOFT PACK	
SMOKIN JOES NATURAL ULTRA LIGHTS (WHITE) KING SIZE SOFT PACK	

PRODUCT: EXACT SPECIAL	STICKS (Actual Stick Sales Figures: 5/1/2010 - 4/30/2011)
EXACT SPECIAL FULL FLAVOR KING SIZE SOFT PACK	
EXACT SPECIAL LIGHTS KING SIZE SOFT PACK	
EXACT SPECIAL MENTHOL KING SIZE SOFT PACK	
EXACT SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK	
EXACT SPECIAL FULL FLAVOR 100 SIZE BOX	
EXACT SPECIAL LIGHTS 100 SIZE BOX	
EXACT SPECIAL MENTHOL 100 SIZE BOX	
EXACT SPECIAL MENTHOL LIGHTS 100 SIZE BOX	
EXACT SPECIAL ULTRA LIGHTS 100 SIZE BOX	
PRODUCT: LEWISTON SPECIAL	STICKS (Actual Stick Sales Figures: 5/1/2010 - 4/30/2011)
LEWISTON SPECIAL FULL FLAVOR KING SIZE SOFT PACK	
LEWISTON SPECIAL LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL MENTHOL KING SIZE SOFT PACK	
LEWISTON SPECIAL MENTHOL LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL ULTRA LIGHTS KING SIZE SOFT PACK	
LEWISTON SPECIAL FULL FLAVOR 100 SIZE BOX	
LEWISTON SPECIAL LIGHTS 100 SIZE BOX	
LEWISTON SPECIAL MENTHOL 100 SIZE BOX	
LEWISTON SPECIAL MENTHOL LIGHTS 100 SIZE BOX	
LEWISTON SPECIAL ULTRA LIGHTS 100 SIZE BOX	
PRODUCT: LEWISTON	STICKS (Actual Stick Sales Figures: 5/1/2010 - 4/30/2011)
LEWISTON FULL FLAVOR (RED) 100 SIZE SOFT PACK	
LEWISTON FULL FLAVOR (RED) KING SIZE BOX	
LEWISTON FULL FLAVOR (RED) KING SIZE SOFT PACK	
LEWISTON LIGHTS (GOLD) 100 SIZE SOFT PACK	
LEWISTON LIGHTS (GOLD) KING SIZE BOX	
LEWISTON LIGHTS (GOLD) KING SIZE SOFT PACK	
LEWISTON MENTHOL 100 SIZE SOFT PACK	
LEWISTON MENTHOL KING SIZE SOFT PACK	
LEWISTON MENTHOL LIGHTS (MENTHOL GOLD) 100 SIZE SOFT PACK	
LEWISTON MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE SOFT PACK	
LEWISTON NON-FILTER KING SIZE SOFT PACK	
LEWISTON ULTRA LIGHTS (BLUE) 100 SIZE SOFT PACK	

PRODUCT: SMOKIN JOES	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX	
SMOKIN JOES FULL FLAVOR (RED) 100 SOFT PACK	
SMOKIN JOES FULL FLAVOR (RED) KING SIZE BOX	
SMOKIN JOES FULL FLAVOR (RED) KING SIZE SOFT PACK	
SMOKIN JOES LIGHTS (GOLD) 100 SIZE BOX	
SMOKIN JOES LIGHTS (GOLD) 100 SIZE SOFT PACK	
SMOKIN JOES LIGHTS (GOLD) KING SIZE BOX	
SMOKIN JOES LIGHTS (GOLD) KING SIZE SOFT PACK	
SMOKIN JOES MENTHOL 100 SIZE BOX	
SMOKIN JOES MENTHOL 100 SIZE SOFT PACK	
SMOKIN JOES MENTHOL KING SIZE BOX	
SMOKIN JOES MENTHOL KING SIZE SOFT PACK	
SMOKIN JOES MENTHOL LIGHTS (MENTHOL GOLD) 100 SIZE BOX	
SMOKIN JOES MENTHOL LIGHTS (MENTHOL GOLD) 100 SIZE SOFT PACK	
SMOKIN JOES MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE BOX	
SMOKIN JOES MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE SOFT PACK	
SMOKIN JOES NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOES NON-FILTER KING SIZE BOX	
SMOKIN JOES ULTRA LIGHTS (BLUE) 100 SIZE BOX	
SMOKIN JOES ULTRA LIGHTS (BLUE) 100 SIZE SOFT PACK	
SMOKIN JOES ULTRA LIGHTS (BLUE) KING SIZE BOX	
SMOKIN JOES ULTRA LIGHTS (BLUE) KING SIZE SOFT PACK	
PRODUCT: OUTDOOR FREEDOM	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
OUTDOOR FREEDOM FULL FLAVOR KING SIZE BOX	
OUTDOOR FREEDOM LIGHTS KING SIZE BOX	
PRODUCT: SMOKIN JOES PREMIUM	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
SMOKIN JOE PREMIUM CANADIAN FULL FLAVOUR (CANADIAN RED) KING SIZE BOX	
SMOKIN JOE PREMIUM CANADIAN LIGHTS (CANADIAN BLUE) KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE BOX	
SMOKIN JOE PREMIUM FULL FLAVOR (RED) KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM LIGHTS (GOLD) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM LIGHTS (GOLD) KING SIZE BOX	
SMOKIN JOE PREMIUM LIGHTS (GOLD) KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL LIGHTS (MENTHOL GOLD) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM MENTHOL LIGHTS (MENTHOL GOLD) KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM NON-FILTER KING SIZE SOFT PACK	
SMOKIN JOE PREMIUM ULTRA LIGHTS (BLUE) 100 SIZE SOFT PACK	
SMOKIN JOE PREMIUM ULTRA LIGHTS (BLUE) KING SIZE SOFT PACK	
PRODUCT: TOP SELLING SKU	STICKS (Actual Stick Sales Figures 5/1/2010 - 4/30/2011)
SMOKIN JOES FULL FLAVOR (RED) 100 BOX	

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

Selected packaging samples from those
submitted with the plan.

MADE IN
U.S.A.

UNDERAGE
SALE
PROHIBITED

NIGHTCLUB®
Rich 

NIGHTCLUB®
Rich



20 CLASS A CIGARETTES

028935

 NIGHTCLUB®
Rich

20-02480
LC
15

TP NY 168 • Sale Only Allowed in the United States.

NIGHTCLUB®
Questions or Comments:
1-800-274-8010
7 199 1701 10132
FSC 6

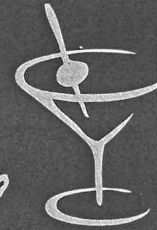
20 CLASS A CIGARETTES

NIGHTCLUB®
Rich 

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

NIGHTCLUB[®]

Smooth



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

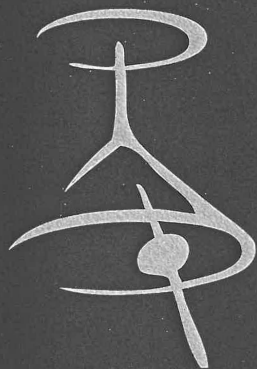


Sale Only Allowed in the United States.

200 CLASS A CIGARETTES

MADE IN THE USA

Smooth



NIGHTCLUB[®]



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 17, 2011

Karen E. Delaney
Smokin Joes
4900 Indian Hill Road
Lewiston, NY 14092

Dear Ms. Delaney:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Joseph M. Anderson d/b/a Smokin Joes (“Smokin Joes”) on June 15, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Exact, Exact Elite, Lewiston, Market, Maple Leaf, Nightclub, Smokin Joes, Smokin Joes Natural, and Smokin Joes Premium brands of cigarettes.

Smokin Joes’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons for the Exact, Exact Elite, Lewiston, Market, Maple Leaf, Smokin Joes, Smokin Joes Natural, and Smokin Joes Premium brands submitted with your letter dated May 11, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness. In addition, the warnings on the sample packs and cartons for the Nightclub brand submitted with your letter dated May 4, 2011 also meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹ Accordingly, Smokin Joes’ plan for simultaneous display of the four health warnings on packaging is hereby approved for the following varieties effective on the date of this letter through **June 16, 2012**:

- Thirteen varieties of the Exact brand: Canadian Red King soft pack, Canadian Blue King soft pack, Red King Box, Red soft pack (King and 100's), Gold King Box, Gold soft pack (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), and Blue 100's soft pack;

¹ Smokin Joes stated in its June 15, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates.

- Twelve varieties of the Exact Elite brand: Non-Filter King Box, Red King Box, Red soft pack (King and 100's), Gold King Box, Gold soft pack (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), and Blue 100's soft pack;
- Twelve varieties of the Lewiston brand: Non-Filter King soft pack, Red King Box, Red soft pack (King and 100's), Gold King Box, Gold soft pack (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), and Blue 100's soft pack;
- One variety of the Maple Leaf brand: Canadian Blue King Box;
- Two King Box varieties of the Nightclub brand: Rich, and Smooth;
- Twenty varieties of the Market brand: Non-Filter King Box, Red Box (King and 100's), Red soft pack (King and 100's), Blue Box (King and 100's), Blue 100's soft pack, Gold Box (King and 100's), Gold soft pack (King and 100's), Menthol Box (King and 100's), Menthol soft pack (King and 100's), Menthol Gold soft pack (King and 100's), Menthol Gold 100's Box, and Menthol Blue 100's Box;
- Twenty-two varieties of the Smokin Joes brand: Non-Filter King (soft pack and Box), Red King (soft pack and Box), Red 100's (soft pack and Box), Blue King (soft pack and Box), Blue 100's (soft pack and Box), Gold King (soft pack and Box), Gold 100's (soft pack and Box), Menthol King (soft pack and Box), Menthol 100's (soft pack and Box), Menthol Gold King (soft pack and Box), and Menthol Gold 100's (soft pack and Box);
- Eighteen varieties of the Smokin Joes Natural brand: Non-Filter King soft pack, Red soft pack (King and 100's), Purple King (soft pack and Box), Purple 100's (soft pack and Box), Silver King (soft pack and Box), Silver 100's (soft pack and Box), White King soft pack, White 100's (soft pack and Box), Menthol King Box, Menthol 100's soft pack, Menthol Gold King Box, and Menthol Gold 100's soft pack; and
- Fifteen varieties of the Smokin Joes Premium brand: Non-Filter King soft pack, Canadian Red King Box, Canadian Blue King Box, Red King (soft pack and Box), Red 100's soft pack, Blue soft pack (King and 100's), Gold King (soft pack and Box), Gold 100's soft pack, Menthol soft pack (King and 100's), and Menthol Gold soft pack (King and 100's).

Approval of Smokin Joes' plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act

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.

Karen E. Delaney
June 17, 2011
Page 3

provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director

RENEGADE TOBACCO COMPANY

June 15, 2011

Ms. Mary K. Engle
Associate Director
Bureau of Consumer Protection
Division of Advertising Practices
Federal Trade Commission
Sixth and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

***RE: Renegade Tobacco Company –Tucson®, Barton® and Tracker® Cigarette Labeling
Rotation Pursuant to 15 U.S.C. §1333(c)(2)***

Dear Ms. Engle:

This is an application pursuant to 15 U.S.C. §1333(c)(2) for approval of the plan of Renegade Tobacco Company for the display of the health warnings on its Tucson®, Barton® and Tracker® cigarette brands. Renegade Tobacco Company's address is 321 Farmington Road, Mocksville, NC 27028.

I, Peter L. Tourtellot, Trustee of Renegade Tobacco Company, confirm and warrant that I will cause Renegade Tobacco Company to conduct its operations so that the four warnings specified in 15 U.S.C. §1333(a)(1) are properly rotated for Tucson®, Barton® and Tracker® cigarettes. Renegade Tobacco Company will display the four warnings simultaneously so that they will appear an equal number of times on the packs and cartons of each brand style of Tucson®, Barton® and Tracker® cigarettes it has manufactured during the twelve month period following approval of this application. Renegade Tobacco Company will maintain records demonstrating compliance with this plan.

Renegade Tobacco Company received approval for the following brand styles of the Tracker® brand cigarette on March 14, 2011:

- (1) Red Bear Kings – 84mm – Hard Pack Cigarettes;
- (2) Golden Panther Kings – 84mm – Hard Pack Cigarettes;
- (3) Green Forest Kings – 84mm – Hard Pack Cigarettes;
- (4) Green Mist Kings – 84mm – Hard Pack Cigarettes;

321 FARMINGTON ROAD
MOCKSVILLE, NORTH CAROLINA 27028
(336) 940-4818 FAX (336) 940-3669

- (5) Blue Eagle Kings – 84mm - Hard Pack Cigarettes;
- (6) Red Bear 100's– 100mm – Hard Pack Cigarettes;
- (7) Golden Panther 100's – 100mm - Hard Pack Cigarettes;
- (8) Green Forest 100's – 100mm - Hard Pack Cigarettes;
- (9) Green Mist 100's – 100mm – Hard Pack Cigarettes; and
- (10) Blue Eagle 100's – 100mm - Hard Pack Cigarettes.

Renegade Tobacco Company wishes to consolidate these brand styles into this renewal plan. The warnings on the packs and cartons of these ten varieties have been equalized of this date.

Renegade Tobacco Company will have manufactured Tracker®, Tucson®, and Barton® cigarettes under tobacco manufacturing license number NC-TP-631. Renegade Tobacco Company currently manufactures the Tucson®, Barton® and Tracker® brands of cigarettes.

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

- (i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of 1 percent of all the cigarettes sold in the United States in such year, and
- (ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

Renegade Tobacco Company's sales for Tucson®, Barton®, and Tracker® brands for fiscal year 2010 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes;
- [REDACTED] sticks of Tucson® brand cigarettes.

Renegade received approval of its warning statement display plan for Barton®, Tucson® and Tracker® on June 30, 2010 and for certain brand styles of Tracker® on March 14, 2011.

Renegade Tobacco Company's projected sales for Tucson®, Tracker®, and Barton® Brands for fiscal year 2011 are as follows:

- [REDACTED] sticks of Barton® brand cigarettes;
- [REDACTED] sticks of Tracker® brand cigarettes; and

- [REDACTED] sticks of Tucson® brand cigarettes.

Based on its low sales volume, Renegade Tobacco Company qualifies for the alternative to quarterly rotation of the four health warnings on packaging.

During 2011, Renegade Tobacco Company plans to manufacture fifteen brand styles of Tucson®:

- (1) Full Flavor Kings – 84mm – Soft Pack Cigarettes;
- (2) Gold Kings (gold packaging) – 84mm – Soft Pack Cigarettes;
- (3) Blue Kings (sky blue packaging) – 84mm – Soft Pack Cigarettes;
- (4) Menthol Full Flavor Kings (dark blue green packaging) – 84mm – Soft Pack Cigarettes;
- (5) Non Filter Kings – 84mm - Soft Pack Cigarettes;
- (6) Menthol Gold Kings (sage green packaging)– 84 mm – Soft Pack Cigarettes;
- (7) Full Flavor 100's– 100mm - Soft Pack Cigarettes;
- (8) Gold 100's (gold packaging) – 100mm - Soft Pack Cigarettes;
- (9) Blue 100's (sky blue packaging) – 100mm – Soft Pack Cigarettes;
- (10) Menthol Full Flavor 100's (dark blue green packaging) – 100mm - Soft Pack Cigarettes;
- (11) Menthol Gold 100's (sage green packaging)-100mm – Soft Pack Cigarettes;
- (12) Full Flavor Kings Box – 84mm – Hard Pack Cigarettes;
- (13) Gold Kings Box (gold packaging) – 84mm – Hard Pack Cigarettes;
- (14) Full Flavor 100's Box – 100mm – Hard Pack Cigarettes; and
- (15) Gold 100's Box (gold packaging) – 100mm – Hard Pack Cigarettes.

During 2011, Renegade Tobacco Company plans to manufacture twenty-one brand styles of Tracker®:

- (1) Full Flavor Kings – 84mm –Soft Pack Cigarettes;
- (2) Gold Kings (gold packaging) – 84mm – Soft Pack Cigarettes;
- (3) Blue Kings (sky blue packaging) – 84mm –Soft Pack Cigarettes;
- (4) Menthol Full Flavor Kings (dark green packaging) – 84mm – Soft Pack Cigarettes;
- (5) Menthol Gold Kings (light green packaging) – 84mm – Soft Pack Cigarettes;
- (6) Non Filter Kings – 84mm – Soft Pack Cigarettes;
- (7) Full Flavor 100's – 100mm – Soft Pack Cigarettes;

- (8) Gold 100's (gold packaging) – 100mm – Soft Pack Cigarettes;
- (9) Blue 100's (sky blue packaging) – 100mm – Soft Pack Cigarettes;
- (10) Menthol Full Flavor 100's (dark green packaging) – 100mm – Soft Pack Cigarettes;
- (11) Menthol Gold 100's (light green packaging) – 100mm – Soft Pack Cigarettes;
- (12) Red Bear Kings – 84mm – Hard Pack Cigarettes;
- (13) Golden Panther Kings – 84mm – Hard Pack Cigarettes;
- (14) Green Forest Kings – 84mm – Hard Pack Cigarettes;
- (15) Green Mist Kings – 84mm – Hard Pack Cigarettes;
- (16) Blue Eagle Kings – 84mm - Hard Pack Cigarettes;
- (17) Red Bear 100's– 100mm – Hard Pack Cigarettes;
- (18) Golden Panther 100's – 100mm - Hard Pack Cigarettes;
- (19) Green Forest 100's – 100mm - Hard Pack Cigarettes;
- (20) Green Mist 100's – 100mm – Hard Pack Cigarettes; and
- (21) Blue Eagle 100's – 100mm - Hard Pack Cigarettes.

During 2011, Renegade Tobacco Company plans to manufacture nine brand styles of Barton®:

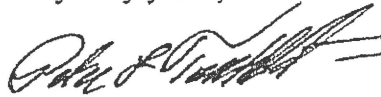
- (1) Full Flavor Kings – 84mm – Soft Pack cigarettes;
- (2) Blue Kings (royal blue packaging) – 84mm – Soft Pack cigarettes;
- (3) Menthol Full Flavor Kings (dark green packaging) – 84mm – Soft Pack Cigarettes;
- (4) Non Filter Kings – 84mm - Soft Pack Cigarettes;
- (5) Full Flavor 100's– 100mm - Soft Pack Cigarettes;
- (6) Blue 100's (royal blue packaging) – 100mm - Soft Pack Cigarettes;
- (7) Silver 100's (light blue packaging with silver trim) – 100mm – Soft Cigarettes;
- (8) Menthol Full Flavor 100's (dark green packaging) – 100mm - Soft Pack Cigarettes;
- (9) Menthol Gold 100's (light green packaging) – 100mm - Soft Pack Cigarettes.

The actual packs and cartons for each brand style of the Tracker®, Tucson® and Barton® brands with each of the four warnings were submitted with the letter dated April 12, 2011 with the exception of the previously listed brand styles of the Tracker brand that were submitted with our letter dated February 15, 2011 and certain of the cartons for the Tucson Full Flavor 100's, Tucson Menthol Full Flavor 100's, Tracker Full Flavor 100's, and Barton Blue 100's brand styles that were missing from the earlier submission and were submitted with our letter dated May 9, 2011.

Renegade Tobacco Company does not advertise nor does it intend to advertise. Before engaging in advertising, we will submit a plan to the Federal Trade Commission for the appropriate approvals.

Please let me know if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter L. Tourtellot", with a stylized flourish at the end.

Peter L. Tourtellot
Trustee

Selected packaging samples from those
submitted with the plan.

Manufactured
Under the Authority of
Renegeot Tobacco Co.
7-888-355-0286
TP-80-541

PREMIUM AMERICAN BLEND

PREMIUM AMERICAN BLEND

BARTON

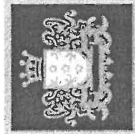
BARTON

BARTON

20 CIGARETTES
CLASS A
CIGARETTES



Made in USA



Made in USA

BARTON



BD4010

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



BARTON



Made in USA

Made in USA

100's

PREMIUM AMERICAN BLEND



BARTON

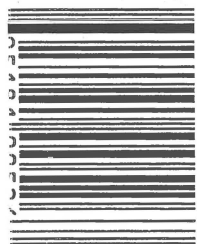


100's

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

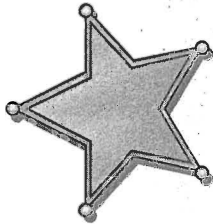
BARTON

1A



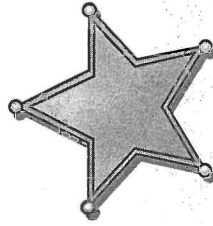
FSC

Tracker



Kings

Tracker



Kings

20 Class A
Cigarettes

Sale to Minors
Prohibited

TP-NC-631



Made in USA

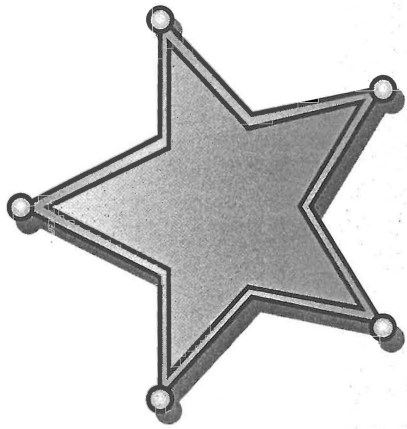
Tracker
Kings



Made in USA

TR4021

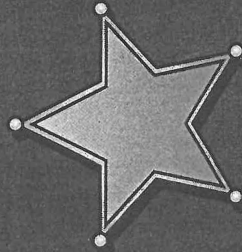
SURGEON GENERAL'S WARNING:
Smoking By Pregnant Women May
Result in Fetal Injury, Premature
Birth, And Low Birth Weight.



Tracker

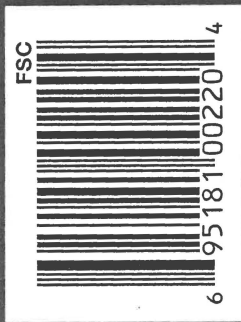
Full Flavor 100's

Made in USA



Tracker

Full Flavor 100's



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

TUCSON

Sale to Minors Prohibited

20
Class A
Cigarettes

TUCSON
FULL FLAVOR KINGS BOX

TUCSON

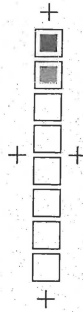
TU2003

*23456789101112 08 09 10 11 12 13 14



FULL FLAVOR
KINGS BOX

MADE IN USA



FULL FLAVOR KINGS BOX

5

TUCSON

MADE IN USA

FULL FLAVOR
KINGS BOX



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

FSC



6 95181 00041 5

Manufactured
Under the Authority of
Renegade Tobacco Co.
1-888-335-4326
TP-NC-631



TUCSON

MENTHOL FULL FLAVOR 100's

MADE IN USA



TUCSON

MENTHOL FULL FLAVOR 100's

MADE IN USA

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



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 17, 2011

Peter L. Tourtellot
Renegade Tobacco Company
321 Farmington Road
Mocksville, NC 27028

Dear Mr. Tourtellot:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Renegade Tobacco Company (“Renegade”) on June 15, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Tucson, Tracker, and Barton brands of cigarettes.

Renegade’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 15, 2011 (Tracker), and April 12 and May 9, 2011 (Barton, Tracker, Tucson) appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Renegade’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 16, 2012**:

- Fifteen varieties of the Tucson brand: Full Flavor Kings (Hard Pack and Soft Pack), Full Flavor 100's (Hard Pack and Soft Pack), Gold Kings (Hard Pack and Soft Pack), Gold 100's (Hard Pack and Soft Pack), Blue Kings Soft Pack (sky blue packaging), Blue 100's

¹ As set forth in its June 15, 2011 letter, Renegade is using colors in the names of a number of its cigarette varieties (*e.g.*, Tucson Gold Kings Hard Pack). We note that the color names are not always printed on the packaging (*e.g.*, the word “Blue” does not appear on the packaging of the Tracker Blue 100's Soft Pack variety). However, except as indicated by the use of a parenthetical referencing the color used in a variety’s packaging – for example, “Tucson Menthol Gold Kings Soft Pack (sage green packaging)” – the color referenced in a variety’s name does conform to the color used in its packaging.

Soft Pack (sky blue packaging), Menthol Full Flavor Kings Soft Pack (dark blue-green packaging), Menthol Full Flavor 100's Soft Pack (dark blue-green packaging), Menthol Gold Kings Soft Pack (sage green packaging), Menthol Gold 100's Soft Pack (sage green packaging), and Non-Filter Kings Soft Pack;

- Twenty-one varieties of the Tracker brand: Full Flavor Soft Pack (Kings and 100's), Gold Soft Pack (Kings and 100's), Blue Kings Soft Pack (sky blue packaging), Blue 100's Soft Pack (sky blue packaging), Menthol Full Flavor Kings Soft Pack (dark green packaging), Menthol Full Flavor 100's Soft Pack (dark green packaging), Menthol Gold Kings Soft Pack (light green packaging), Menthol Gold 100's Soft Pack (light green packaging), Non-Filter Kings Soft Pack, Red Bear Hard Pack (Kings and 100's), Golden Panther Hard Pack (Kings and 100's), Green Forest Hard Pack (Kings and 100's), Green Mist Hard Pack (Kings and 100's), and Blue Eagle Hard Pack (Kings and 100's); and
- Nine Soft Pack varieties of the Barton brand: Non-Filter Kings, Full Flavor (Kings and 100's), Blue Kings (royal blue packaging), Blue 100's (royal blue packaging), Silver 100's (light blue packaging with silver trim), Menthol Full Flavor Kings (dark green packaging), Menthol Full Flavor 100's (dark green packaging), and Menthol Gold 100's (light green packaging).

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

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

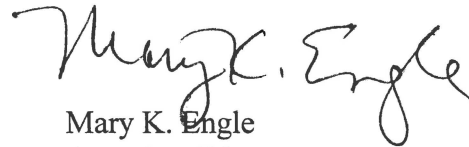
² Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Peter L. Tourtellot
June 17, 2011
Page 3

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

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director

PO Box 214
Gowanda, New York 14070



1.877.NATIVE3
Fax: 716.532.6137

June 17, 2011

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

Dear Mary Engle:

Native Wholesale Supply imports the Seneca, Opal and Couture brand of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. Native Wholesale Supply requests approval for its 2011 plan for Surgeon General Warning Display, as provided by Section 1333C(2) of the Cigarette Act on packaging for its Seneca and Couture brands of cigarettes. We are located at 10955 Logan Road, Perrysburg, NY 14129. The president of Native Wholesale Supply is Arthur Montour.

Our previous plan for the simultaneous display of warnings on packages for the Seneca, Couture and Opal brands was approved on June 17, 2010. We now wish to renew our approval for the following brand styles:

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

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

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

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

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

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

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

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

Our sales for 2010 by brand style is attached. For those brand styles with names that changed in 2010, we have reported the total sales for that variety of cigarettes under the new brand style names.

Our proposed plan for compliance with the "Cigarette Act" is to have our supplier, White House Graphics, print the four surgeon general warnings simultaneously. The four warnings will be displayed on the packs and cartons of each brand style of the Seneca and Couture brands an equal number of times during the one year period following the date of approval of this plan by the Federal Trade Commission. We will keep records demonstrating compliance with this plan. The warnings will appear exactly as shown on the sample packs and cartons submitted with our May 28, 2010 and June 9, 2010 letters.

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

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

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

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

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

ADVERTISING

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

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

Yours truly,



Arthur Montour, President

Native Wholesale Supply

2010 Brand Sales

Brand Style	Sticks
Seneca Full Flavor Soft King	
Seneca Blue Soft King	
Seneca Silver Soft King	
Seneca Menthol Soft King	
Seneca Smooth Menthol Soft King	
Seneca Full Flavor Box King	
Seneca Medium Box King	
Seneca Blue Box King	
Seneca Silver Box King	
Seneca Menthol Box King	
Seneca Smooth Menthol Box King	
Seneca Non Filter Box King	
Seneca Chill Box King	
Seneca Full Flavor Soft 100's	
Seneca Blue Soft 100's	
Seneca Silver Soft 100's	
Seneca Menthol Soft 100's	
Seneca Smooth Menthol Soft 100's	
Seneca Extra Smooth Menthol Soft 100's	
Seneca Full Flavor Box 100's	
Seneca Medium Box 100's	
Seneca Blue Box 100's	
Seneca Silver Box 100's	
Seneca Menthol Box 100's	
Seneca Smooth Menthol Box 100's	
Seneca Extra Smooth Menthol Box 100's	
Seneca 72's Full Flavor Slide Pack	
Seneca 72's Blue Slide Pack	
Seneca 72's Menthol Slide Pack	
Seneca Full Flavor Box 120's	
Seneca Smooth Box 120's	
Seneca Ultra Box 120's	
Seneca Menthol Box 120's	
Seneca Smooth Menthol Box 120's	
Opal Full Flavor Box 120's	
Opal Smooth Box 120's	
Opal Ultra Box 120's	
Opal Menthol Box 120's	
Opal Smooth Menthol Box 120's	
Couture Slims Ruby Box 100's	
Couture Slims Amethyst Box 100's	
Couture Slims Diamond Box 100's	
Couture Slims Sapphire Box 100's	
Couture Slims Turquoise Box 100's	
Couture Slims Aquamarine Box 100's	



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 17, 2011

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

Dear Mr. Montour:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1340 (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company (“NWSC”) on June 17, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Seneca and Couture Slims brands of cigarettes.

NWSC’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated May 28, 2010 (Seneca) and June 9, 2010 (Couture Slims) continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, NWSC’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 16, 2012**:

- Twenty-nine varieties of the Seneca brand: Non-filter Kings box, “Chill” Kings box, Full Flavor box (Kings, 100's, and 120's), Full Flavor soft pack (Kings and 100's), Blue box (Kings and 100's), Blue soft pack (Kings and 100's), Medium box (Kings and 100's), Menthol box (Kings, 100's, and 120's), Menthol soft pack (Kings and 100's), Silver box (Kings and 100's), Silver soft pack (Kings and 100's), Smooth Menthol box (Kings, 100's, and 120's), Smooth Menthol soft pack (Kings and 100's), Smooth box 120's, and Ultra box 120's; and
- Six box varieties of the Couture Slims brand: Ruby Kings, Amethyst Kings, Diamond

¹ NWSC stated in its June 17, 2011 letter that the four health warnings will continue to appear exactly as shown on the packs and cartons submitted on these dates.

Arthur Montour
June 17, 2011
Page 2

Kings, Sapphire Kings, Turquoise Kings, and Aquamarine Kings.

NWSC's plan for simultaneous display of the four health warnings on packaging for the following three varieties of the Seneca brand is hereby approved effective on the date of this letter through **September 16, 2011**: Full Flavor 72's box, Blue 72's box, and Menthol 72's box.

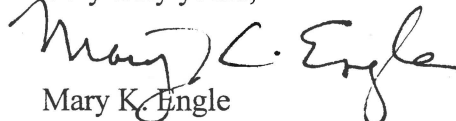
Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.² The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

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

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

Very truly yours,



Mary K. Engle
Associate Director

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



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

2 SOUTH BISCAYNE BLVD., SUITE 1900
MIAMI, FL 33131
305.482.8400 TEL
305.482.8600 FAX
foley.com

June 21, 2011

WRITER'S DIRECT LINE
305-482-8413
vvilarchao@foley.com EMAIL

VIA E-MAIL AND FEDERAL EXPRESS

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

Re: **Dosal Tobacco Corporation**

Dear Ms. Engle:

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

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

Very truly yours,

Veronica Vilarchao

Enclosure

**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 president is Mrs. Margarita Dosal, and whose principal place of business is 4775 NW 132nd Street, Miami, Florida 33054, submits the following plan explaining how it will comply with the health warning display requirements of the Cigarette Act (the "Plan").

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. The brand styles that Dosal no longer manufactures are listed in Exhibit "B" of the Plan. Further, the warnings will appear exactly as shown on the samples that were submitted with the letter of July 28, 2003, except for the brand styles which have been revised. The warnings on the revised brand styles will appear exactly as shown on the samples enclosed in the letters of November 17, 2003,¹ March 29, 2005,² April 4, 2006,³

¹ Samples for the following brand styles were enclosed with the letter of November 17, 2003: Romy 100's Menthol Soft Pack, Romy 100's Lights Soft Pack, Romy 100's Full Flavor Soft Pack, and 305's King Light Box. All of these brand styles have since been discontinued.

² Samples for the following brand styles were enclosed with the letter of March 29, 2005: 305's 100's Light Box and Romy Menthol King Box. The brand style 305's 100's Light Box has since been discontinued.

March 29, 2007,⁴ August 20, 2008,⁵ May 3, 2010,⁶ and May 16, 2011,⁷ displaying examples of the following four (4) warning statements required by the Cigarette Act which are placed on the packages of Dosai brand cigarettes packaged for sale or distribution in the United States:

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

Packages for each brand of cigarettes manufactured or packaged in the United States by Dosai, 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 must be less than one-

³ Samples for the following brand style were enclosed with the letter of April 4, 2006: 305's 100's Menthol Box.

⁴ Samples for the following brand style were enclosed with the letter of March 29, 2007: 305's King Menthol Box.

⁵ Samples for the following brand styles were enclosed with the letter of August 20, 2008: DTC King Menthol Box, DTC 100's Menthol Box, 305's 100's Ultra Light Box, and 305's King Ultra Light Box. The brand styles 305's 100's Ultra Light Box and 305's King Ultra Light Box have since been discontinued.

⁶ Samples for the following brand styles were enclosed with the letter of May 3, 2010: Romy 100's Gold Box, Romy 100's Silver Box, Romy 100's Menthol Gold Box, Romy King Gold Box, DTC 100's Gold Box, DTC 100's Menthol Gold Box, DTC 100's Silver Box, DTC King Gold Box, 305's 100's Blue Box, 305's 100's Menthol Gold Box, 305's King Blue Box, 305's 100's Silver Box, 305's King Silver Box, Competidora Full Flavor Box, and Competidora Non-Filter Box.

⁷ Samples of the following brand styles were enclosed with the letter of May 16, 2011: 305's Non-Filter King Box, DTC Non-Filter King Box, and Romy 100's Menthol Box.

fourth (1/4) of one percent (1%) of all of the cigarettes sold in the United States in calendar year 2010 (approximately 759 million cigarettes) and more than half the cigarettes manufactured or imported by the company must be packaged into brand styles that meet the low sales threshold (the "Low Sales Volume Requirement"). Except for the brand style 305's 100's Full Flavor Box, Dosal meets the Low Sales Volume Requirement for 2010 and forecasts that it will meet the Low Sales Volume Requirement for 2011 for all other brand styles manufactured by Dosal (please see Dosal's Sales Report for the year 2010, and Sales Forecast for the year 2011, attached hereto as Exhibit "C"). With the exception of the brand style 305's 100's Full Flavor Box, during the year 2010, sales for any one brand style did not exceed [REDACTED] cigarettes, and for the year 2011 Dosal projects that sales for any one brand style will not exceed [REDACTED] cigarettes. Accordingly, except for the brand style 305's 100's Full Flavor Box, Dosal wishes to equalize the warning statements on all Dosal brand style cigarette packaging during the year, as follows:

- i. An even distribution of each of the four (4) warnings will be produced for the packs and cartons of each brand style of Dosal brand cigarettes, which are manufactured and distributed in the United States for the one (1) year period beginning from the date of approval of this Plan. All four (4) warnings are printed on the same press sheet with an even distribution.
- ii. At the end of the year, if due to a mechanical failure, or otherwise, the warning statements are not equalized, Dosal will take the necessary steps to insure that the problem is corrected, and the warning statements equalized.

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

3. Records of Compliance. Dosal has an established process of record keeping, which allows Dosal to demonstrate compliance with the Cigarette Act and the Plan upon request. This system of record keeping will continue to be in effect, and thus Dosal's compliance with the Act and the Plan will continue to be effectively monitored.
4. Advertisements. Dosal's advertising plan is in place and will not change from its prior submissions to the FTC.

- a. **Adherence to the 1985 Plans:** For its advertising, Dosai 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:** Dosai has purchased Warning Statements Exhibits 1-7, copies of which were previously submitted to the FTC. All warnings on advertisements will appear exactly as they appear on the acetates corresponding to the size of the advertisement.
- c. **Size of Advertisements:** Dosai will not engage in advertisements for any brand style which exceed 10 square feet.
- d. **Warning Label Rotation:** Dosai will rotate the warnings on advertisements quarterly according to the schedule attached hereto as Exhibit "D".
- e. **Company or Multiple Brand Advertising:** In the event that Dosai engages in Company or multiple brand advertising, Dosai will use the rotation schedule for the first brand listed in Exhibit "D" of the Plan.
- f. **Internet Advertising:** At this time, Dosai does not engage in advertising on the internet, however, if Dosai does begin to advertise on the internet, Dosai will then submit a plan to the FTC regarding internet advertising for approval.

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

1. ROMY

- a. ROMY 100's Full Flavor Box;
- b. ROMY 100's Gold Box;
- c. ROMY 100's Silver Box;
- d. ROMY 100's Menthol Gold Box;
- e. ROMY King Gold Box;
- f. ROMY King Full Flavor Box; and
- g. ROMY Menthol King Box; and
- h. ROMY 100's Menthol Box.

2. DTC

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

3. **305's**

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

4. **COMPETIDORA**

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

EXHIBIT "B"
DOSAL TOBACCO CORPORATION
BRAND STYLES NO LONGER MANUFACTURED

1. ROMY

- a. ROMY 100's Lights Soft Pack;
- b. ROMY 100's Full Favor Soft Pack;
- c. ROMY Ultra Lights 100's Soft Pack;
- d. ROMY King Full Flavor Soft Pack;
- e. ROMY 100's Menthol Lights Soft Pack; and
- f. ROMY 100's Menthol Soft Pack

2. DTC

- a. DTC 100's Full Flavor Soft Pack;
- b. DTC 100's Light Soft Pack;
- c. DTC 100's Medium Soft Pack;
- d. DTC 100's Menthol Light Soft Pack;
- e. DTC 100's Ultra Light Soft Pack;
- f. DTC 100's Menthol Soft Pack;
- g. DTC King Light Soft Pack;
- h. DTC King Full Flavor Soft Pack;
- i. DTC King Menthol Soft Pack; and
- j. DTC King Non-Filter Soft Pack.

3. 305's

- a. 305's 100's Light Soft Pack;
- b. 305's 100's Menthol Light Soft Pack;

- c. 305's 100's Ultra Light Soft Pack;
- d. 305's 100's Full Flavor Soft Pack;
- e. 305's 100's Menthol Soft Pack;
- f. 305's King Full Flavor Soft Pack; and
- g. 305's King Menthol Soft Pack; and
- h. 305's King Non-Filter Soft Pack.

4. Competidora

- a. COMPETIDORA King Soft Filters; and
- b. COMPETIDORA King Soft Extrafinos.

EXHIBIT "C"

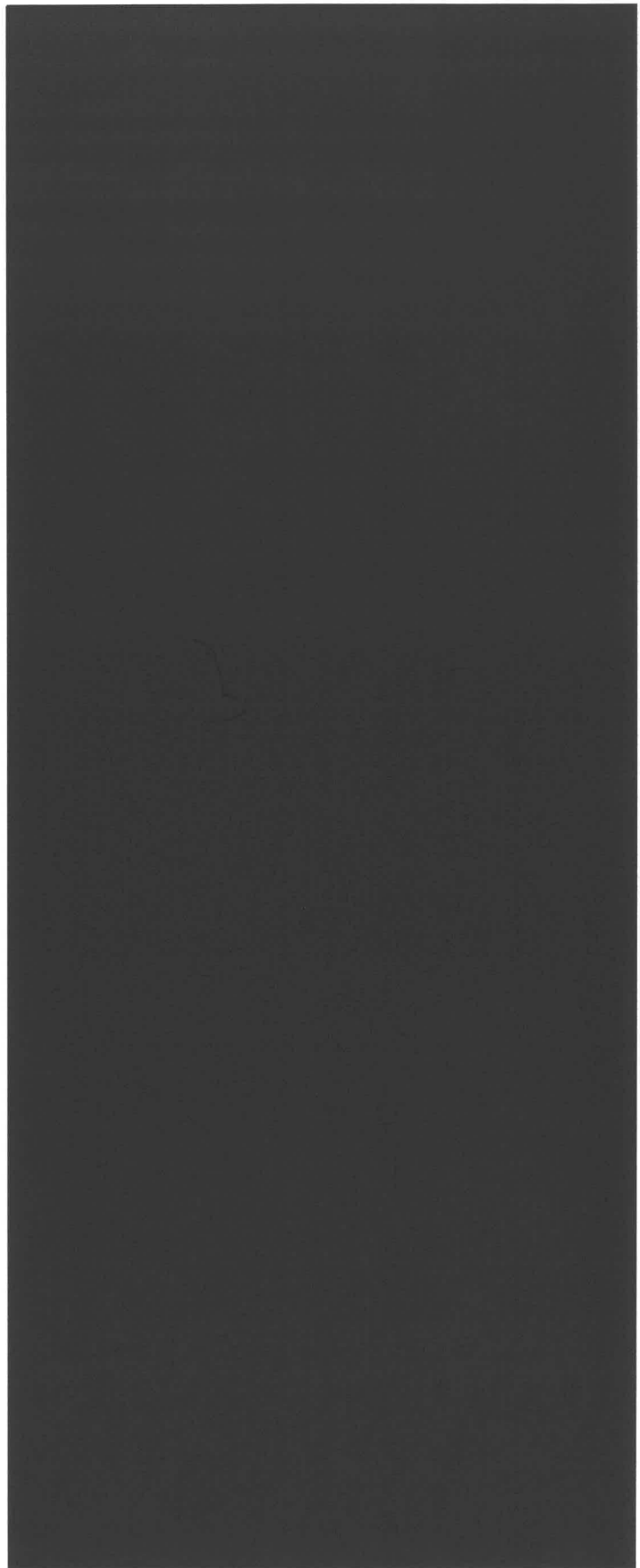
DOSAL TOBACCO CORPORATION
 SALES VOLUME REPORT FOR 2010 AND SALES
 FORECAST FOR 2011 FOR ALL BRAND STYLES

2010 SALES REPORT AND 2011 SALES PROJECTIONS

<u>SKU</u>	<u>Brand</u>	<u>Brand Style</u>	<u>Cartons Sold 2010</u>	<u>Number of Sticks 2010</u>	<u>Projected Carton Sales 2011</u>	<u>Projected Sales in Sticks 2011</u>
305FFKBX	/ 305's	Full Flavor King Box				
305FFKSP	/ 305's	Full Flavor King				
305FFYBX	/ 305's	Full Flavor 100's Box				
305FFYSP	/ 305's	Full Flavor 100's				
305BLKBX	/ 305's	Blue King Box				
305BLYBX	/ 305's	Blue 100's Box				
305LTYS	/ 305's	Lights 100's				
305MGYBX	/ 305's	Menthol Gold 100's Box				
305MLYSP	/ 305's	Menthol Lights 100's				
305MNKSP	/ 305's	Menthol Kings				
305MNBX	/ 305's	Menthol Kings Box				
305MNYSP	/ 305's	Menthol 100's				
305MNYBX	/ 305's	Menthol 100's Box				
305NFKBX	/ 305's	Non Filter Kings Box				
305NFKSP	/ 305's	Non Filter Kings				
305ULYSP	/ 305's	Ultra Lights 100's				
305SVYBX	/ 305's	Silver 100's Box				
305SVKBX	/ 305's	Silver King Box				



COMFFKBX	/ Competidora	Full Flavor
COMNFKBX	/ Competidora	Non-Filter
DTCFFKBX	/ DTC	Full Flavor King Box
DTCFFKSP	/ DTC	Full Flavor Kings
DTCFFYBX	/ DTC	Full Flavor 100's Box
DTCFFYSP	/ DTC	Full Flavor 100's
DTCGDKBX	/ DTC	Gold King Box
DTCLTKSP	/ DTC	Lights Kings
DTCLTYSP	/ DTC	Lights 100's
DTCGDYBX	/ DTC	Gold 100's Box
DTCMDYSP	/ DTC	Medium 100's
DTCMLYSP	/ DTC	Menthol Lights 100's
DTCMGYBX	/ DTC	Menthol Gold 100's Box
DTCMNKSP	/ DTC	Menthol Kings
DTCMNYSP	/ DTC	Menthol 100's
DTCNFKBX	/ DTC	Non Filter Kings Box
DTCNFKSP	/ DTC	Non Filter Kings
DTCULYSP	/ DTC	Ultra Lights 100's
DTCSVYBX	/ DTC	Silver 100's Box
DTCMNKBX	/ DTC	Menthol Kings Box
DTCMNYBX	/ DTC	Menthol 100's Box
ROMFFKBX	/ Romy	Full Flavor King Box
ROMFFKSP	/ Romy	Full Flavor Kings
ROMFFYBX	/ Romy	Full Flavor 100's Box



ROMFFYSP	/ Romy	Full Flavor 100's
ROMLTYSP	/ Romy	Lights 100's
ROMGDYBX	/ Romy	Gold 100's Box
ROMMNYBX	/ Romy	Menthol 100's Box
ROMMNYSP	/ Romy	Menthol 100's
ROMMLYSP	/ Romy	Menthol Lights 100's
ROMMGYBX	/ Romy	Menthol Gold 100's Box
ROMMNK BX	/ Romy	Menthol King Size Box
ROMULYSP	/ Romy	Ultra Light's 100's
ROMSVYBX	/ Romy	Silver 100's Box
ROMGDKBX	/ Romy	Gold King Box

TOTAL:

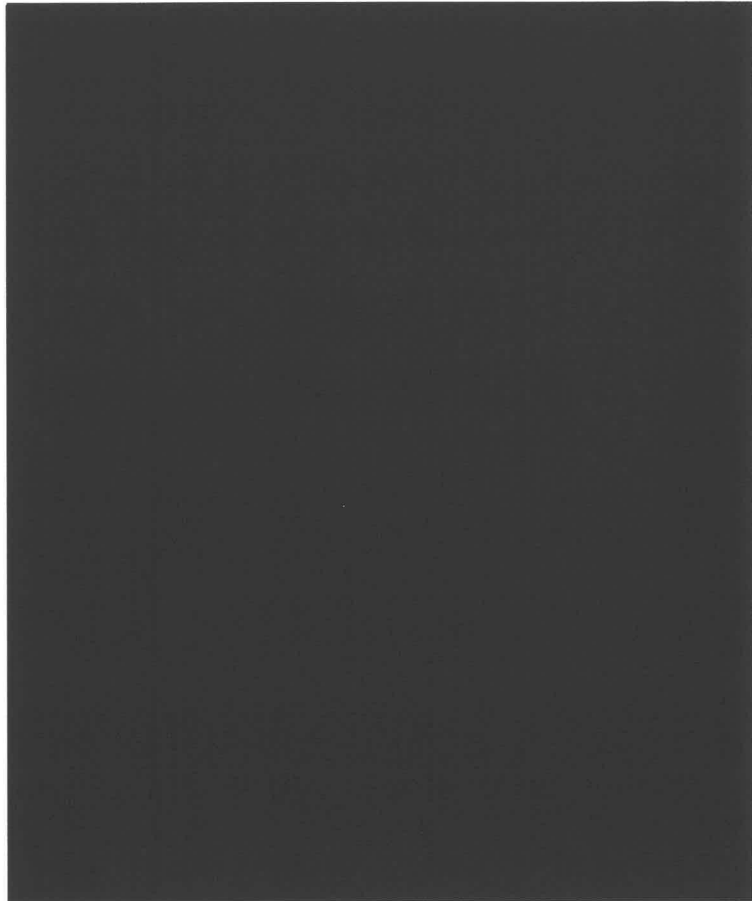


EXHIBIT "D"
ADVERTISEMENT WARNING
STATEMENT ROTATION SCHEDULE

<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
ROMY	C	D	A	B
Competidora	D	A	B	C

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

Selected packaging samples from those
submitted with the plan.



NON-FILTER KINGS

305's[®]



305's[®]

NON-FILTER KINGS

MADE IN U.S.A.

83116-00 FSC
WN-D



NON-FILTER KINGS

305's[®]



MADE IN U.S.A.
NON-FILTER KINGS

305's[®]

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

MADE IN U.S.A.
NON-FILTER KINGS

305's[®]

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

305's[®]

SALES TO
MINORS
PROHIBITED



NON-FILTER KINGS
MADE IN U.S.A.

305's[®]

TP-762-FL

SALES TO MINORS PROHIBITED



NON FILTER
King BOX



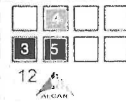
NON FILTER

MADE IN USA



83136-00 FSC
WNB

NON FILTER
King BOX



12



6

20 Class A Cigarettes

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

MADE IN USA

NON FILTER



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

MADE IN USA

NON FILTER
BOX



Kings

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



NON FILTER
Kings BOX

SALES TO
MINORS
PROHIBITED



NON FILTER
BOX

Kings

ROMY®

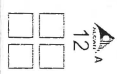
MENTHOL

BOX

100'S

MADE IN THE U.S.A.

MFG. BY
DOSAT TOBACCO CORP.
MIAMI, FLORIDA USA
800-434-7172
20 Class A Cigarettes



ROMY 100'S
MENTHOL BOX

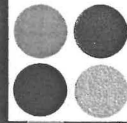
MADE IN THE U.S.A.

100'S

BOX

MENTHOL

ROMY®



ROMY 100'S
MENTHOL BOX

SALES TO
MINORS
PROHIBITED

TP-702-FL



200 CLASS A CIGARETTES

ROMY®



MADE IN THE U.S.A.



SALES TO
MINORS
PROHIBITED

ROMY®

MENTHOL BOX 100'S

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



ROMY®

200 CLASS A CIGARETTES

MADE IN THE U.S.A.



Division of Advertising Practices

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 22, 2011

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

Dear Ms. Vilarchao:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Dosal Tobacco Corp. (“Dosal”) on June 21, 2011, calling for: (1) simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Romy, DTC, 305's, and Competidora brands of cigarettes; and (2) quarterly rotation of the four health warnings on packaging for the Full Flavor 100's Box variety of the 305's brand.

Dosal's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging with the exception of the 305's Full Flavor 100's Box variety, and the warnings on the sample packs and cartons submitted with your letters on the following dates appear to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness¹:

<u>Brand</u>	<u>Date(s)</u>
Romy	July 28, 2003 March 29, 2005 May 3, 2010 May 16, 2011

¹ Dosal stated in its June 21, 2011 letter that the four health warnings will appear exactly as shown on the packs and cartons submitted on these dates. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

DTC	July 28, 2003 August 20, 2008 May 3, 2010 May 16, 2011
305's	July 28, 2003 April 4, 2006 March 29, 2007 May 3, 2010 May 16, 2011
Competidora	May 3, 2010

Accordingly, Dosal's plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 21, 2012**:

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

In addition, Dosal's plan for quarterly rotation of the four health warnings on packaging for the 305's Full Flavor 100's Box variety is also approved.

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

Please note that this letter only approves Dosal's cigarette health warning statement rotation plan with respect to the statutory requirements in force prior to the June 22, 2009 enactment of the Family Smoking Prevention and Tobacco Control Act ("FSPTCA") concerning

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.

Veronica Vilarchao

June 22, 2011

Page 3

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. On June 21, 2011, the FDA released the nine new graphic health warnings that must appear on all cigarette packaging and advertising starting in September 2012. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,

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

Mary K. Engle
Associate Director



June 20, 2011

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

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

Dear Ms. Mary Engle:

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

Premier Manufacturing would like to continue to display the four health warnings an equal number of times on the packs and cartons for each brand style of the 1st Class, Ultra Buy, Shield and Wildhorse brands for the one-year period beginning on the date of approval of this plan. Premier will keep records demonstrating compliance with the plan.

The four warnings that will be displayed are:

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

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

Page 1 of 2

www.GoPremier.com

17998 Chesterfield Airport Road. • Chesterfield, Missouri 63005 • (636) 537-5348 • Fax (636) 537-3359 • email: info@gopremier.com



Our sales for the last fiscal year (calendar year 2010) did not exceed [REDACTED] sticks for any one brand style. We do not anticipate sales to exceed [REDACTED] sticks for any one brand style of cigarettes that we manufacture during the one-year period covered by this plan.

Below are the Brand styles that we have previously had approved for the 1st Class, Ultra Buy, Shield and Wildhorse brands on January 12, 2010, May 19, 2010 and July 29, 2010 that we intend to continue to manufacture. The warnings for these brand styles will appear exactly as they do on the sample packs and cartons submitted with my May 9, 2011 letter.

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

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

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

Sincerely,

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

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

www.GoPremier.com

Selected packaging samples from those
submitted with the plan.

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

TP - NC - 15000

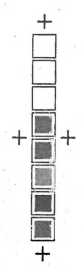
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20 CLASS A CIGARETTES



20 CLASS A CIGARETTES



Underage
Sale
Prohibited

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

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8 9

415-4070-B

9



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BLUE KINGS BOX

1st CLASS[®]

200 CLASS A CIGARETTES

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

Underage Sale Prohibited

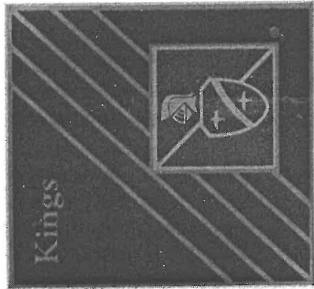
TP - NC - 15000



Underage
Sale
Prohibited

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

Shield[®]
NON-FILTER
Kings



20 CLASS A CIGARETTES

Shield[®]
NON-FILTER KINGS

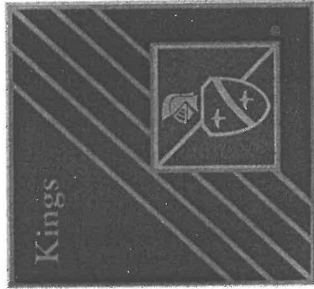
Manufactured under license from:
Premier Manufacturing, Inc.
St. Louis, MO 63005
www.premier.com
Made in the USA

TP - NC - 13003

FSC



Shield[®]
NON-FILTER
Kings



20 CLASS A CIGARETTES

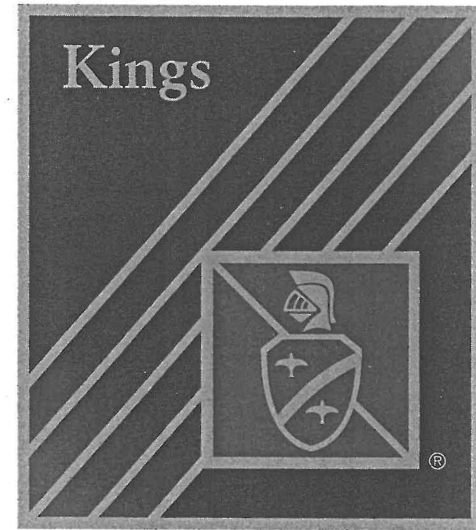
418-0416-A



Shield[®]

RED BOX

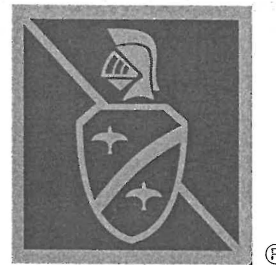
200 CLASS A CIGARETTES



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

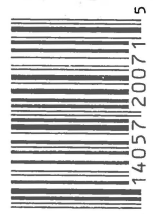
Shield[®]

RED KINGS BOX



Underage
Sale
Prohibited

TP - NC - 15000



FSC

Wildhorse®

Underage
Sale
Prohibited

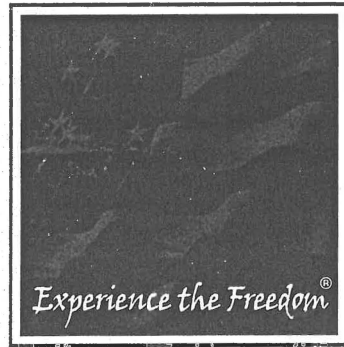
RED BOX

Wildhorse®

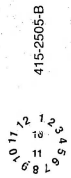
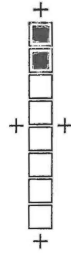
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Wildhorse®

RED BOX



20 CLASS A CIGARETTES



415-2505-B

Wildhorse®

RED BOX

20 CLASS A CIGARETTES



RED BOX

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

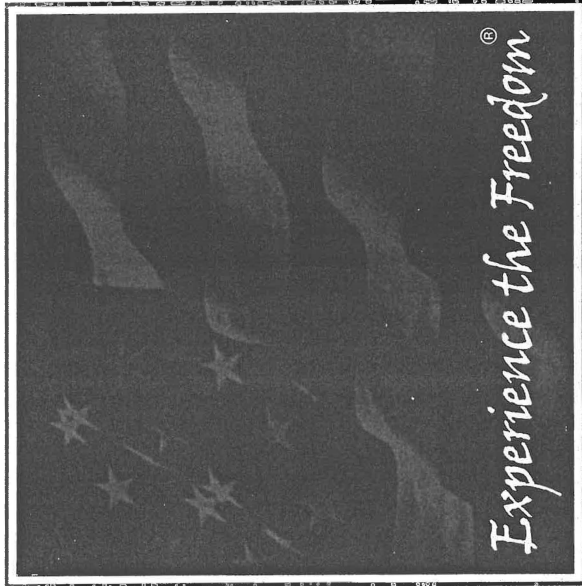
Manufactured under license from:
Fingerhut Manufacturing, Inc.
St. Louis, MO 63105
www.fingerhut.com
Made in the USA

TP-NC-15000

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4



Wildhorse[®]

NON-FILTER

200 CLASS A CIGARETTES

TM

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

Wildhorse[®]

NON-FILTER

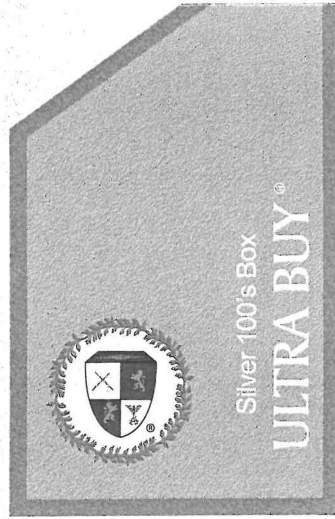
TP-NC-15000



Manufactured under license from:
Premier Manufacturing, Inc.
St. Louis, MO 63003
www.gopremier.com
Made in the USA

TP - NC - 15000

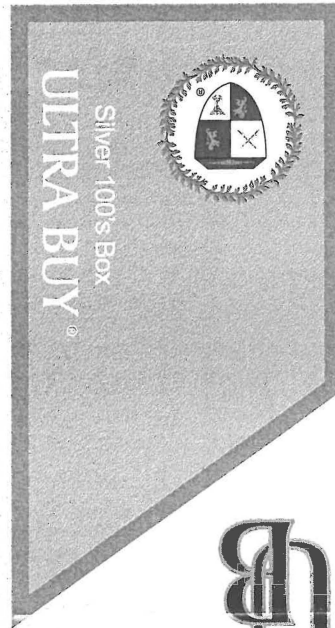
FSC



20 CLASS A CIGARETTES



20 CLASS A CIGARETTES



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



415-4053-B

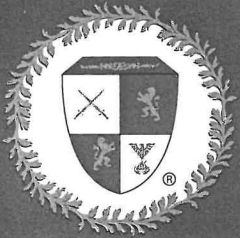
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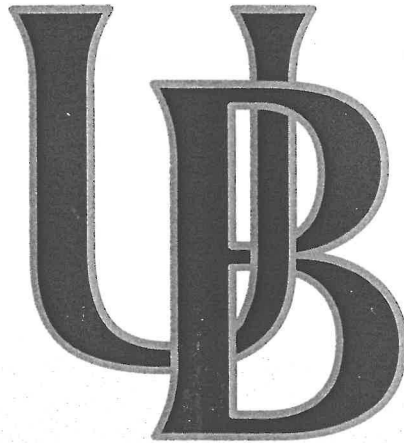
Underage
Sale
Prohibited

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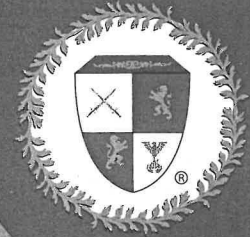
8



ULTRA BUY®
Menthol Green
Kings Box

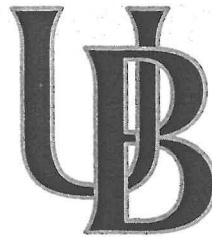


ULTRA BUY®
Menthol Green
Kings Box



200 CLASS A CIGARETTES

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



Underage Sale Prohibited

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

TP - NC - 15000



FSC



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 24, 2011

Terri Albright
Premier Manufacturing, Inc.
17998 Chesterfield Airport Road
Chesterfield, MO 63005

Dear Ms. Albright:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Premier Manufacturing, Inc. (“Premier”) on June 20, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the 1st Class, Shield, Ultra Buy and Wildhorse brands of cigarettes.

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

Accordingly, Premier’s plan for simultaneous display of the four health warnings on packaging for the following varieties is hereby approved effective on the date of this letter through **June 23, 2012**:

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

Terri Albright
June 24, 2011
Page 2

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

Approval of Premier's plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.¹ The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. On June 21, 2011, the FDA released the nine new graphic health warnings that must appear on all cigarette packaging and advertising starting in September 2012. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

If you have any questions regarding this approval, please contact Mariel Woods at (202) 326-3225.

Very truly yours,



Mary K. Engle
Associate Director

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

SIX NATIONS MANUFACTURING
11359 SOUTHWESTERN BLVD.
P.O. BOX 377
IRVING, NY 14081
TELE: 716-783-2285
FAX: 716-934-4087

June 21, 2011

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

Re: Cigarette Health Warning Equalization Plan

Dear Ms. Engle:

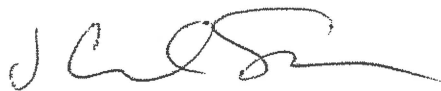
This letter is being submitted for the renewal of the Surgeon General Warning Rotation Plan that was approved by your office on June 7, 2010 for the packaging for the Buffalo brand submitted as Schedule "A". We will adhere to the advertising plan of Buffalo cigarettes that was approved by your office on June 10, 2009, as well as the Warning Label size previously submitted and approved by your office on June 7, 2010. The "Buffalo" cigarette brand will continue to be manufactured by J. Conrad Seneca, d.b.a. Six Nations Manufacturing. Six Nations Manufacturing produces three brands; "Buffalo", "Gator" and "Senate" at this time. Six Nations Manufacturing plan for display of the warning on packaging and in advertising for the Gator and Senate brands was approved on February 23, 2011 and Six Nations Manufacturing continues to be in compliance with that plan.

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain 10 packs of 20 cigarettes each ("Pack"). The warnings will appear on the packs and cartons for the Buffalo brand exactly as shown on the samples submitted with the letter dated April 28, 2009 as well as the samples submitted with my letter dated May 13, 2009 and my letter dated May 7, 2010. Under Section 1333(c)(2) J. Conrad Seneca, d.b.a. Six Nations Manufacturing will display the four surgeon general health warnings an equal number of times on the packs and cartons for each brand style of the Buffalo brand for the one year period beginning on the date of approval of this plan. J. Conrad Seneca, d.b.a. Six Nations Manufacturing has attached "Schedule B" below showing production volume for our fiscal year 2010 and has attached "Schedule C" as an estimate of our annual production volume by style for 2011.

J. Conrad Seneca, d.b.a. Six Nations Manufacturing advertising plan for the Buffalo brand was previously approved on June 10, 2009. We will remain in compliance with this advertising plan.

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

Sincerely,

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

J. Conrad Seneca, Owner

Enclosures

Schedule B

Actual annual (January 1, 2010 thru December 31, 2010) production volume by Six Nations Manufacturing for Buffalo Cigarettes by style in cases, cartons, packs, and sticks:

Style	Cases	Cartons	Packs	Cigarettes
Buffalo Full Flavor King Box				
Buffalo Smooth King Box				
Buffalo Menthol King Box				
Buffalo Menthol Smooth King Box				
Buffalo Ultra Smooth King Box				
Buffalo NonFilter King Box				
Buffalo Full Flavor 100's Soft				
Buffalo Smooth 100's Soft				
Buffalo Menthol 100's Soft				
Buffalo Menthol Smooth 100's Soft				
Buffalo Ultra Smooth 100's Soft				
Buffalo Full Flavor 100's Box				
Buffalo Smooth 100's Box				
Buffalo Menthol 100's Box				
Buffalo Menthol Smooth 100's Box				
Buffalo Ultra Smooth 100's Box				
Totals				

Schedule C

Estimated annual (January 1, 2011 thru December 31, 2011) production volume by Six Nations Manufacturing for Buffalo Cigarettes by style in cases, cartons, packs, and sticks:

Style	Cases	Cartons	Packs	Cigarettes
Buffalo Full Flavor King Box				
Buffalo Smooth King Box				
Buffalo Menthol King Box				
Buffalo Menthol Smooth King Box				
Buffalo Ultra Smooth King Box				
Buffalo NonFilter King Box				
Buffalo Full Flavor 100's Soft				
Buffalo Smooth 100's Soft				
Buffalo Menthol 100's Soft				
Buffalo Menthol Smooth 100's Soft				
Buffalo Ultra Smooth 100's Soft				
Buffalo Full Flavor 100's Box				
Buffalo Smooth 100's Box				
Buffalo Menthol 100's Box				
Buffalo Menthol Smooth 100's Box				
Buffalo Ultra Smooth 100's Box				
Totals				



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 24, 2011

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

Dear Mr. Seneca:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. § 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed by J. Conrad Seneca d/b/a Six Nations Manufacturing (“Six Nations”) on June 21, 2011, calling for simultaneous display (*i.e.*, the alternative to quarterly rotation) of the four health warnings on packaging for certain varieties of the Buffalo brand of cigarettes.

Six Nations’ sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging, and the warnings on the sample packs and cartons submitted with your letters dated April 28, 2009, May 13, 2009, and May 7, 2010 continue to meet the requirements of the Cigarette Act in force as of the date of this letter for size and conspicuousness.¹

Accordingly, Six Nations’ plan for simultaneous display of the four health warnings on packaging for the following sixteen varieties of the Buffalo brand is hereby approved effective on the date of this letter through **June 23, 2012**:

- Full Flavor Kings hard pack, Full Flavor 100's (soft pack and hard pack), Menthol Kings hard pack, Menthol 100's (soft pack and hard pack), Non Filter Kings hard pack, Smooth Kings hard pack, Smooth 100's (soft pack and hard pack), Ultra Smooth Kings hard pack, Ultra Smooth 100's (soft pack and hard pack), Menthol Smooth Kings hard pack, and Menthol Smooth 100's (soft pack and hard pack).

¹ Six Nations stated in its June 21, 2011 letter that the four health warnings will continue to appear exactly as shown on the samples submitted on these dates.

J. Conrad Seneca
June 24, 2011
Page 2

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

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

Because the FSPTCA imposes additional legal requirements on the marketing and sale of cigarettes, you should ensure that you are in compliance with those requirements. For example, since September 22, 2009, the use of certain characterizing flavors (other than tobacco or menthol) in cigarettes has been prohibited. On June 21, 2011, the FDA released the nine new graphic health warnings that must appear on all cigarette packaging and advertising starting in September 2012. You can find additional information at www.fda.gov/TobaccoProducts/default.htm, and sign up for FDA email updates at www.fda.gov/TobaccoProducts/ResourcesforYou/ucm176164.htm.

If you have any questions regarding this approval, please contact Mark de los Santos at (202) 326-3242.

Very truly yours,



Mary K. Engle
Associate Director

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