



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

Division of Advertising Practices

January 16, 2008

MEMORANDUM

TO: Public Records  
Office of the Secretary

FROM: Sallie Schools  
Division of Advertising Practices

SUBJECT: Rotational Health Warnings for Cigarettes  
File No. P854505

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

1. August 23, 2005 letter from Barry M. Boren, Esq. on behalf of Tantus Tobacco, LLC to Mary K. Engle.
2. August 30, 2005 letter from Mary K. Engle to Barry M. Boren, Esq. on behalf of Tantus Tobacco, LLC.
3. September 14, 2005 letter from Barry M. Boren, Esq. on behalf of U.S. Flue-Cured Tobacco Growers, Inc. to Mary K. Engle.
4. September 26, 2005 letter from Mary K. Engle to Barry M. Boren, Esq. on behalf of U.S. Flue-Cured Tobacco Growers, Inc.
5. March 28, 2007 letter from Randy Riggs, Kingston Tobacco, Inc. to Aine Farrell.
6. May 3, 2007 letter from Mary K. Engle to Randy Riggs, Kingston Tobacco, Inc.
7. May 2, 2007 letter from Karen Kamperman, Tobacco Holdings, Inc., to Mary K. Engle.
8. May 3, 2007 letter from Mary K. Engle to Karen Kamperman, Tobacco Holdings, Inc.
9. May 1, 2007 letter from Karen E. Delaney, Smokin Joes, to Mary K. Engle.
10. May 7, 2007 letter from Mary K. Engle to Karen E. Delaney, Smokin Joes.
11. May 4, 2007 letter from S.B. Patel, Dhanraj Imports, Inc. to Aine Farrell.

12. May 9, 2007 letter from Mary K. Engle to S.B. Patel, Dhanraj Imports, Inc.
13. April 23, 2007 letter from Terry P. McLaughlin, CLP, Inc. to Mary K. Engle.
14. May 10, 2007 letter from Mary K. Engle to Terry P. McLaughlin, CLP, Inc.
15. May 1, 2007 letter from Karen E. Delaney, Smokin Joes, to Mary K. Engle.
16. May 10, 2007 letter from Mary K. Engle to Karen E. Delaney, Smokin Joes.
17. May 9, 2007 letter from Jeffrey Avo Uvezian, International Tobacco Partners, LTD to Mary K. Engle.
18. May 10, 2007 letter from Mary K. Engle to Jeffrey Avo Uvezian, International Tobacco Partners, LTD.
19. April 10, 2007 letter from Neal N. Beaton, Esq. on behalf of JT International U.S.A. Inc. (Japan Tobacco) to Todd Dickey.
20. May 11, 2007 letter from Mary K. Engle to Neal N. Beaton, Esq. on behalf of JT International U.S.A. Inc. (Japan Tobacco).
21. May 4, 2007 letter from Calvin A. Phelps, Windy City Tobacco Company, LLC to Sallie Schools.
22. May 11, 2007 letter from Mary K. Engle to Calvin A. Phelps, Windy City Tobacco Company, LLC.
23. May 10, 2007 letter from Joseph H. Nanney, Jr. Esq. on behalf of King Mountain Tobacco Company, Inc. to Mary K. Engle.
24. May 21, 2007 letter from Mary K. Engle to Joseph H. Nanney, Jr. Esq. on behalf of King Mountain Tobacco Company, Inc.
25. May 21, 2007 letter from Barry M. Boren on behalf of Roadway Distributors, LLC to Mary K. Engle.
26. May 22, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of Roadway Distributors, LLC.
27. May 14, 2007 letter from Louis S. Carbone, Sherman's 1400 Broadway NYC, LTD (Nat Sherman) to Bonnie Pulley.

28. May 24, 2007 letter from Mary K. Engle to Louis S. Carbone, Sherman's 1400 Broadway NYC, LTD (Nat Sherman).
29. May 24, 2007 letter from Arthur Montour, Native Wholesale Supply Company, to Mary K. Engle.
30. May 29, 2007 letter from Mary K. Engle to Arthur Montour, Native Wholesale Supply Company.
31. May 25, 2007 letter from Jean Jabre, Club Tobacco, Inc. to Mary K. Engle.
32. May 29, 2007 letter from Mary K. Engle to Jean Jabre, Club Tobacco, Inc.
33. May 29, 2007 letters (2) from William Jay Hunter Jr., Esq. on behalf of Wind River Tobacco Company LLC to Mary K. Engle.
34. May 29, 2007 letter from Mary K. Engle to William Jay Hunter Jr., Esq. on behalf of Wind River Tobacco Company LLC.
35. May 23, 2007 letter from Barry M. Boren on behalf of Tantus Tobacco, LLC to Mary K. Engle.
36. May 30, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of Tantus Tobacco, LLC.
37. May 30, 2007 letter from Richard G. Saffire, D Cube LLC d/b/a Sovereign Tobacco Company to Diana Finegold.
38. May 30, 2007 letter from Mary K. Engle to Richard G. Saffire, D Cube LLC d/b/a Sovereign Tobacco Company.
39. June 5, 2007 letter from Denis Faucher, ITL (USA) Limited to Diana Finegold.
40. June 6, 2007 letter from Mary K. Engle to Denis Faucher, ITL (USA) Limited.
41. June 6, 2007 letter from Barry M. Boren on behalf of Venture Wholesale, Inc. to Mary K. Engle.
42. June 11, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of Venture Wholesale, Inc.

43. June 11, 2007 letter from David A. Scott, Cheyenne International, LLC to Mary K. Engle.
44. June 11, 2007 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
45. June 4, 2007 letter from Stephen M. Johnson, Tabacos USA, Inc. to Mary K. Engle.
46. June 15, 2007 letter from Mary K. Engle to Stephen M. Johnson, Tabacos USA, Inc.
47. June 6, 2007 letter from Barry M. Boren on behalf of U.S. Flue-Cured Tobacco Growers, LLC to Mary K. Engle.
48. June 21, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of U.S. Flue-Cured Tobacco Growers, LLC.
49. June 14, 2007 letters (2) from Craig A. Koenigs on behalf of European Cigarette Imports, Inc. to Mary K. Engle.
50. June 21, 2007 letter from Mary K. Engle to Craig A. Koenigs on behalf of European Cigarette Imports, Inc.
51. June 18, 2007 letter from Henry C. Roemer, III, on behalf of Kretek International, Inc. to Michael Ostheimer.
52. June 19, 2007 letter from Mary K. Engle to Henry C. Roemer, III, on behalf of Kretek International, Inc.
53. June 27, 2007 letter from LeAnne Moore, National Tobacco Company, L.P. to Mary K. Engle.
54. July 2, 2007 letter from Mary K. Engle to LeAnne Moore, National Tobacco Company, L.P.
55. June 18, 2007 letter from Elias Yazbeck, Winner Company to Mary K. Engle.
56. July 6, 2007 letter from Mary K. Engle to Elias Yazbeck, Winner Company.
57. July 5, 2007 letter from S.B. Patel, Dhanraj Imports, Inc. to Aine Farrell.
58. July 9, 2007 letter from Mary K. Engle to S.B. Patel, Dhanraj Imports, Inc.

59. July 4, 2007 letter from Keith McCulloch, Prestige Tobacco Company to Mary K. Engle.
60. July 10, 2007 letter from Mary K. Engle to Keith McCulloch, Prestige Tobacco Company.
61. July 5, 2007 letter from Bryan Johnson, Skookum Creek Tobacco Co. to Diana Finegold.
62. July 16, 2007 letter from Mary K. Engle to Bryan Johnson, Skookum Creek Tobacco Co.
63. June 29, 2007 letter from Victoria Spier Evans, Vector Tobacco, Inc. to Mary K. Engle.
64. July 17, 2007 letter from Mary K. Engle to Victoria Spier Evans, Vector Tobacco, Inc.
65. July 13, 2007 letter from James F. Nooney , Jr., Nooney Inc. d/b/a JF Nooney Company to Mary K. Engle.
66. July 17, 2007 letter from Mary K. Engle to James F. Nooney , Jr., Nooney Inc. d/b/a JF Nooney Company.
67. July 9, 2007 letter from Barry M. Boren on behalf of Tantus Tobacco, LLC to Mary K. Engle.
68. July 18, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of Tantus Tobacco, LLC.
69. July 20, 2007 letter from Mohammed H. Babul, Key-Stone Tobacco, Inc. to Mary K. Engle.
70. July 31, 2007 letter from Mary K. Engle to Mohammed H. Babul, Key-Stone Tobacco, Inc.
71. July 25, 2007 letter from Frederick A. McAllister, Black Hawk Tobacco, Inc. to Diana Finegold.
72. August 6, 2007 letter from Mary K. Engle to Frederick A. McAllister, Black Hawk Tobacco, Inc.
73. July 26, 2007 letter from Karen E. Delaney, Smokin Joes, to Mary K. Engle.
74. August 8, 2007 letter from Mary K. Engle to Karen E. Delaney, Smokin Joes.
75. August 6, 2007 letter from David A. Scott, Cheyenne International, LLC to Mary K.

Engle.

76. August 14, 2007 letter from Mary K. Engle to David A. Scott, Cheyenne International, LLC.
77. August 13, 2007 letter from Anne Micaela Kovach, Continental Tobacco USA, LLC to Mary K. Engle.
78. August 15, 2007 letter from Mary K. Engle to Anne Micaela Kovach, Continental Tobacco USA, LLC.
79. August 14, 2007 letter from Barry M. Boren on behalf of Tantus Tobacco, LLC to Mary K. Engle.
80. August 16, 2007 letter from Mary K. Engle to Barry M. Boren on behalf of Tantus Tobacco, LLC.
81. August 16, 2007 letter from Calvin A. Phelps, Renegade Tobacco Co. to Mary K. Engle.
82. August 16, 2007 letter from Mary K. Engle to Calvin A. Phelps, Renegade Tobacco Co.
83. July 17, 2007 letter from Kai Gachupin, Stars & Stripes Cigarettes, Inc. to Mary K. Engle.
84. August 21, 2007 letter from Mary K. Engle to Kai Gachupin, Stars & Stripes Cigarettes, Inc.
85. August 7, 2007 letter from Norman R. Channing, Seneca-Cayuga Tribal Tobacco Corp. to Mary K. Engle.
86. August 21, 2007 letter from Mary K. Engle to Norman R. Channing, Seneca-Cayuga Tribal Tobacco Corp.

**LAW OFFICES OF  
BARRY M. BOREN**

9350 Financial Centre  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

August 23, 2005

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Kathy Zownir

Surgeon General's Warning Rotation Plan for Advertising  
Berkley and Berley Cigarettes for  
Tantus Tobacco, LLC

Dear Ms. Engle:

Please be advised that we are the attorneys for Tantus Tobacco, LLC ("Tantus"), a Kentucky corporation, with offices located at 200 Progress Dr., Russell Springs, Kentucky 42642 and the mailing address is P.O. Box 1030, Jamestown, Kentucky 42629. Tantus wishes to file a Surgeon General's Warning Rotation Plan for advertising for its Berkley and Berley cigarettes. These cigarettes are manufactured in the U.S. by Tantus. This plan is being submitted pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*). The contact person for the company will be its President, Brian Cooper, who can be reached at the above address.

The packaging plan for Berkley was approved by the Federal Trade Commission ("FTC") on April 20, 2005. A copy of the approval letter is attached hereto as Exhibit "A". The packaging plan for Berley was approved by the Federal Trade Commission ("FTC") on July 14, 2005. A copy of the approval letter is attached hereto as Exhibit "B".

Tantus proposes the following advertising rotation plan for their Berkley and Berley brands of cigarettes as required by Paragraphs 2 and 3 of Sub-section (a) of Section 4 of the Federal Cigarette Labeling and Advertising Act of 1964, as amended (15 U.S.C. §1331

*et seq.*) (the "Act"). These sections provide for the placement of certain Surgeon General Health Warnings in advertisements for cigarettes within the United States. This Advertising Quarterly Rotation Plan is being submitted to the FTC pursuant to Section 4(c) of the Act.

1. Advertisements (other than billboard advertisements):

**Berkley Cigarettes**

- A. Pursuant to the requirements of Section 4(a)(2) of the Act, Tantus will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the Berkley brand of cigarettes. The advertising rotation sequence is set forth below. Tantus will begin with the warning "SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide." on all the Berkley brand advertising it produces or manufactures during the third quarter (July 1<sup>st</sup> to September 30<sup>th</sup>). It will alternate warnings on all advertisements on the first of each calendar quarter thereafter (i.e.; October 1<sup>st</sup>, January 1<sup>st</sup> and April 1<sup>st</sup>).

From July 1<sup>st</sup> to September 30<sup>th</sup> Tantus will use the warning:

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

From October 1st to December 31<sup>st</sup> Tantus will use the warning:

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

From January 1<sup>st</sup> to March 31<sup>st</sup> Tantus will use the warning:

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



From April 1<sup>st</sup> to June 30<sup>th</sup> Tantus will use the warning:

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

**Berley Cigarettes**

- A. Pursuant to the requirements of Section 4(a)(2) of the Act, Tantus will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the Berley brand of cigarettes. The advertising rotation sequence is set forth below. Tantus will begin with the warning "SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy." on all the Berley brand advertising it produces or manufactures during the third quarter (July 1<sup>st</sup> to September 30<sup>th</sup>). It will alternate warnings on all advertisements on the first of each calendar quarter thereafter (i.e.; October 1<sup>st</sup>, January 1<sup>st</sup> and April 1<sup>st</sup>).

From July 1<sup>st</sup> to September 30<sup>th</sup> Tantus will use the warning:

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

From October 1<sup>st</sup> to December 31<sup>st</sup> Tantus will use the warning:

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

From January 1<sup>st</sup> to March 31<sup>st</sup> Tantus will use the warning:

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

From April 1<sup>st</sup> to June 30<sup>th</sup> Tantus will use the warning:

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

Attached hereto as Exhibit "D" is a chart showing how the health warning rotations for each brand to be advertised by Tantus will look after this plan is approved.

- B. Any advertisement appearing in an issue of a newspaper, magazine or other periodical shall bear the health warning statement referenced in the plan for the quarter in which the cover date falls; provided that any advertisement appearing in an issue of a newspaper, magazine or other periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter during which such issue is first scheduled for sale or distribution to the public.
- C. Any advertisement prepared for public transit facilities or vehicles, point-of-sale promotional materials for which a label statement is required, and non-point-of sale leaflets, direct mail circulars, paperback book inserts and programs shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.
- D. Any advertisements prepared for vending machines pursuant to a contract for advertisements or cigarette package display panels (excluding contracts for column placements) shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.
- E. Each advertisement (other than outdoor billboard advertisements and advertisements in newspapers, magazines and other periodicals), shall bear

a reference, in code or otherwise, indicating the calendar quarter in which the mechanical artwork therefor was first delivered in final form for engraving or comparable production.

- F. Tantus will utilize the English language formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and will use these formats on all their advertising materials. These formats cover all advertising from zero square inches to 40 square feet (as printed on the FTC website as Cigarette Memo Exhibits 1 through 9). At this time, all of Tantus' advertising will be in English so only English language formats will be used. The dimensions of Tantus' largest ad will be 40 square feet. If this changes, Tantus will notify the FTC and modify its plan accordingly. All the warning statements used by Tantus in any of its advertising will use black print on a white background. Tantus will use the formats on all its advertisements as follows:

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 1.	0 to 65 square inches	Exhibit 1 or 1(a)
Category 2.	Over 65 to 110 square inches	Exhibit 2 or 2(a)
Category 3.	Over 110 to 180 square inches	Exhibit 3
Category 4.	Over 180 to 360 square inches	Exhibit 4
Category 5.	Over 360 to 470 square inches	Exhibit 5
Category 6.	Over 470 to 720 square inches	Exhibit 6
Category 7.	Over 5 to 10 square feet	Exhibit 7
Category 8.	Over 10 to 20 square feet	Exhibit 8
Category 9.	Over 20 to 40 square feet	Exhibit 9

Printed samples of the health warnings to be used by Tantus are attached hereto as composite Exhibit "D".

2. Outdoor Billboard Advertisements:

At this time, Tantus does not intend to advertise on outdoor billboards and therefore, is not proposing, nor need it comply, with the Act's requirements (Section 4(a)(3) concerning such advertising. If this should change, we will notify the FTC

and modify our plan accordingly before advertising.

3. Multiple Brand Advertising:

In advertisements within the United States for more than one brand of cigarettes, or which are not for a specific brand, the label statements required by Section 4(a)(2) of the Act shall be rotated as provided for the Berkley cigarettes in paragraph 1 above of the this cigarette advertising plan. The sequence for Berkley will be used because it was the first Tantus plan approved by the FTC.

4. Internet Advertising:

Please be advised that, at this time, Tantus does not advertise Berkley or Berley on the internet. Before Tantus begins to advertise on the internet, it will notify the FTC and modify its plan accordingly.

5. Miscellaneous:

- A. Tantus shall be deemed to have satisfied its responsibilities under this Plan if it has taken reasonable steps to: (1) provide, by written contract or the giving of clear instructions or otherwise, for rotation of the label statements required by the Act in accordance with the pertinent provisions of this Plan, (2) when appropriate, furnish materials for the production of advertisements bearing the label statement(s) required by the pertinent provisions of this Plan; and (3) prevent the recurrence of any mistakes, errors or omissions that have come to its attention.
- B. Nothing herein shall be construed to require the advertising of any cigarette during any period of time.
- C. No provision of this Plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government or any instrumentality thereof.

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

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

Page 7  
August 23, 2005

Cigarette Compliance Act of 2000. For this reason, we hereby request that you approve this plan as soon as possible.

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw\encs.



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

Division of Advertising Practices

April 20, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan on behalf of Tantus Tobacco, LLC ("Tantus") on April 19, 2005 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berkley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's March 24, 2005 plan is hereby approved for eleven soft pack varieties of the Berkley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on April 19, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Tantus does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the

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

Barry Boren, Esq.

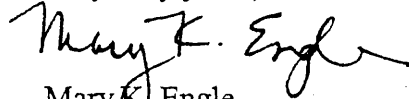
April 20, 2005

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ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is written in a cursive style with a large, sweeping initial "M".

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

July 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan on behalf of Tantus Tobacco, LLC ("Tantus") on July 7, 2005 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of May 18, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan is hereby approved for eleven soft pack varieties of the Berley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on July 10, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Tantus does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the

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



Barry Boren, Esq.

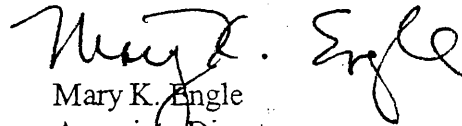
July 14, 2005

Page 2

ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary K. Engle".

Mary K. Engle  
Associate Director

**EXHIBIT "C"**  
**TANTUS TOBACCO, LLC**  
**CHART OF WARNINGS**

<b><u>Brand</u></b>	<b><u>Warning</u></b>
<b>QUARTER ONE:</b>	
Berley	Pregnant Women
Berkley	Quitting Smoking
<b>QUARTER TWO:</b>	
Berley	Carbon Monoxide
Berkley	Pregnant Women
<b>QUARTER THREE:</b>	
Berley	Lung Cancer
Berkley	Carbon Monoxide
<b>QUARTER FOUR:</b>	
Berley	Quitting Smoking
Berkley	Lung Cancer



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WASHINGTON, D.C. 20580

Division of Advertising Practices

August 30, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on August 23, 2005 calling for quarterly rotation of the four health warnings in advertising of the Berkley and Berley brands of cigarettes.

Tantus's plan for the rotation of the warnings in advertising of the Berkley and Berley brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Very truly yours,

A handwritten signature in black ink that reads "Mary Engle" followed by a stylized flourish.

Mary K. Engle  
Associate Director

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

LAW OFFICES OF  
**BARRY M. BOREN**

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September 14, 2005

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Katherine Zownir

Surgeon General's Health Warning Equalization and Advertising Plan  
for U.S. Flue-Cured Tobacco Growers Inc.  
for Passport Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, U.S. Flue-Cured Tobacco Growers Inc. ("USFC"), a North Carolina corporation, with offices located at 250 Crown Blvd., Timberlake, N.C. 27583. USFC wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to manufacture in the United States under the brand name "Passport." The contact person for the company will be its Director of Operations, Tim Jackson who can be reached at the above address. The plan we are proposing for the Passport cigarettes is an equalization plan.

The brand styles of Passport cigarettes USFC intends to manufacture are listed on Exhibit "A." Enclosed with our submission dated August 18, 2005 were the actual production packs and cartons (listed on Exhibit "A") for the brand styles being submitted showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons USFC will be manufacturing.<sup>1</sup>

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<sup>1</sup> Equalization plans for Traffic, Fact and Kick cigarettes were approved by the FTC on June 14, 2005 and copies of the approval letters are attached hereto as

To date, USFC has never manufactured any cigarettes in 2005 or in any prior year.<sup>2</sup> USFC anticipates manufacturing approximately [REDACTED] cigarettes of all its brands and styles in the next year (Traffic, Fact, Kick, Creston and Passport). It expects its largest brand style to be Traffic Mild 100's box, for which it anticipates manufacturing approximately [REDACTED] cigarettes for the twelve (12) month period beginning upon the date this plan is approved. USFC anticipates manufacturing approximately [REDACTED] total Passport cigarettes and [REDACTED] sticks of what it anticipates will be its largest Passport brand style, Passport Full Flavor 100's Soft Pack in the 12 month period beginning the date the plan is approved. No one brand style of cigarettes manufactured by USFC has for the past year constituted more than [REDACTED] cigarettes per year in the past year, and no one brand style will constitute more than [REDACTED] cigarettes per year in the next year. Since no cigarettes have been imported or manufactured to date, the number of sticks sold of each brand style of Passport cigarettes is less than 1/4 of 1% of all the cigarettes sold in the United States in any such year. In addition, more than 1/2 of the cigarettes manufactured or imported by USFC for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(I).

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

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

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Exhibits "B," "C" and "D." An equalization plan was sent to the FTC on August 11, 2005 for Creston cigarettes for which we are awaiting approval.

<sup>2</sup> USFC expects to sell [REDACTED] Traffic cigarettes, [REDACTED] Fact cigarettes, [REDACTED] Creston cigarettes and [REDACTED] Kick cigarettes in the 12 month period beginning the date those plans were approved. USFC anticipates that the largest selling brand style of Kick cigarettes will be Kick Light 100's Box and it will sell approximately [REDACTED] sticks of this brand style in the 12 month period. USFC anticipates that the largest selling brand style of Traffic cigarettes will be Traffic Mild 100's Soft Pack and it will sell approximately [REDACTED] sticks of this brand style in the 12 month period. USFC anticipates that the largest selling brand style of Fact cigarettes will be Fact Regular King Size Box, and it will sell approximately [REDACTED] sticks of this brand style in the 12 month period. USFC anticipates that the largest selling brand style of Creston cigarettes will be Creston Full Flavor 100's Soft Pack and it will sell approximately [REDACTED] sticks of this brand style in the 12 month period.

cartons by the manufacturer. USFC will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

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

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

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. USFC shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to: (1) provide by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) prevent the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

### **Advertising Plan**

USFC, which already has a Surgeon General's Warning Rotation Plan in place for labeling its Traffic, Fact and Kick brands of cigarettes (see Exhibits "B," "C" and "D") and an approved advertising plan for the same brands attached as Exhibit "E," now wishes to present a plan to authorize advertising for its Passport brand cigarettes.<sup>3</sup> It, therefore, proposes the following advertising rotation plan for their Passport brand cigarettes as required by Paragraphs 2 and 3 of Sub-section (a) of Section 4 of the Federal Cigarette Labeling and Advertising Act of 1964, as amended (15 U.S.C. § 1331 *et seq.*) (the "Act").

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<sup>3</sup> An advertising & labeling plan for Creston cigarettes was submitted to the FTC on August 11, 2005. We are awaiting approval of this plan. The rotation plan we are presenting assumes the approval of the Creston plan.

These sections provide for the placement of certain Surgeon General Health Warnings in advertisements for cigarettes within the United States. This Advertising Quarterly Rotation Plan is being submitted to the Federal Trade Commission ("FTC") pursuant to Section 4(c) of the Act.

1. Advertisements (other than billboard advertisements):

- A. Pursuant to the requirements of Section 4(a)(2) of the Act, USFC will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the Passport brand of cigarettes. The advertising rotation sequence is set forth below. USFC will begin with the warning "SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy." on all the Passport brand advertising it produces or manufactures during the third quarter (July 1<sup>st</sup> to September 30<sup>th</sup>). It will alternate warnings on all advertisements on the first of each calendar quarter thereafter (i.e.; October 1<sup>st</sup>, January 1<sup>st</sup> and April 1<sup>st</sup>).

From July 1<sup>st</sup> to September 30<sup>th</sup> USFC will use the warning:

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

From October 1<sup>st</sup> to December 31<sup>st</sup> USFC will use the warning:

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

From January 1<sup>st</sup> to March 31<sup>st</sup> USFC will use the warning:

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

From April 1<sup>st</sup> to June 30<sup>th</sup> USFC will use the warning:

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

Attached hereto as Exhibit "F" is a chart showing how the health warning rotations

for each brand to be advertised by USFC will look after this plan, and the Creston plan, is approved

- B. Any advertisement appearing in an issue of a newspaper, magazine or other periodical shall bear the health warning statement referenced in the plan for the quarter in which the cover date falls; provided that any advertisement appearing in an issue of a newspaper, magazine or other periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter during which such issue is first scheduled for sale or distribution to the public.
- C. Any advertisement prepared for public transit facilities or vehicles, point-of-sale promotional materials for which a label statement is required, and non-point-of sale leaflets, direct mail circulars, paperback book inserts and programs shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.
- D. Any advertisements prepared for vending machines pursuant to a contract for advertisements or cigarette package display panels (excluding contracts for column placements) shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.
- E. Each advertisement (other than outdoor billboard advertisements and advertisements in newspapers, magazines and other periodicals), shall bear a reference, in code or otherwise, indicating the calendar quarter in which the mechanical artwork therefor was first delivered in final form for engraving or comparable production.
- F. USFC will utilize the English language formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and intends to use these formats on all their advertising materials. These formats cover all advertising from zero square inches to 10 square feet (as printed on the FTC



website as Cigarette Memo Exhibits 1 through 7). At this time, all of USFC's advertising will be in English so only English language warnings will be used. If this changes, USFC will notify the FTC and modify its plan accordingly. All the warning statements used by USFC in any of its advertising will use black print on a white background. USFC will use the formats on all its advertisements as follows:

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 1.	0 to 65 square inches	Exhibit 1 or 1(a)
Category 2.	Over 65 to 110 square inches	Exhibit 2 or 2(a)
Category 3.	Over 110 to 180 square inches	Exhibit 3
Category 4.	Over 180 to 360 square inches	Exhibit 4
Category 5.	Over 360 to 470 square inches	Exhibit 5
Category 6.	Over 470 to 720 square inches	Exhibit 6
Category 7.	Over 5 to 10 square feet	Exhibit 7

Printed samples of the health warnings to be used by USFC are attached hereto as composite Exhibit "G".

2. Outdoor Billboard Advertisements:

At this time, USFC does not intend to advertise on outdoor billboards and therefore, is not proposing, nor need it comply, with the Act's requirements (Section 4(a)(3) concerning such advertising. If this should change, we will notify the FTC and modify our plan accordingly.

3. Multiple Brand Advertising:

In advertisements within the United States for more than one brand of cigarettes, or which are not for a specific brand, the label statements required by Section 4(a)(2) of the Act shall be rotated as provided for in paragraph 1 in the Traffic cigarette advertising plan already approved by the FTC. The sequence for Traffic will be used because it was the first brand listed in the first USFC plan approved by the FTC.

4. Internet Advertising:

Please be advised that, at this time, USFC does not advertise Traffic, Fact, Kick, Creston or Passport on the internet. Before USFC begins to advertise on the

internet, it will notify the FTC and modify its plan accordingly. The Kick brand packaging approved by the FTC references a website [kickcigs.com](http://kickcigs.com) that is not operational. It was mistakenly made operational (the website consisted of one page with pictures of the Kick brand styles) for a few days. The website was taken off-line on September 13, 2005. Before making this website operational, USFC will submit an advertising plan which incorporates the use of the website and will wait for FTC approval before making the site accessible to the general public.

5. Miscellaneous:

- A. USFC shall be deemed to have satisfied its responsibilities under this Plan if it has taken reasonable steps to comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions or otherwise, for rotation of the label statements required by the Act in accordance with the pertinent provisions of this Plan, (2) when appropriate, furnishing materials for the production of advertisements bearing the label statement(s) required by the pertinent provisions of this Plan; and (3) preventing the recurrence of any mistakes, errors or omissions that have come to its attention.
- B. Nothing herein shall be construed to require the advertising of any cigarette during any period of time.
- C. No provision of this Plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government or any instrumentality thereof.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "A" BRAND STYLES OF CIGARETTES**

**PASSPORT**

Full Flavor King Size Soft Pack  
Milds King Size Soft Pack  
Ultra Milds King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Milds King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor King Size Box  
Milds King Size Box  
Ultra Milds King Size Box  
Menthol King Size Box  
Menthol Milds King Size Box

Full Flavor 100's Soft Pack  
Milds 100's Soft Pack  
Ultra Milds 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Milds 100's Soft Pack

Full Flavor 100's Box  
Milds 100's Box  
Ultra Milds 100's Box  
Menthol 100's Box  
Menthol Milds 100's Box



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

Division of Advertising Practices

June 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on June 8, 2005 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Traffic brand of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of April 29, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. USFC's plan is hereby approved for eleven soft pack varieties of the Traffic brand of cigarettes (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Non-Filter kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s) and ten box varieties of the brand (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s). This approval is effective on the date of this letter and ends on June 13, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If USFC does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the

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

EXHIBIT "B"

Barry M. Boren, Esq.

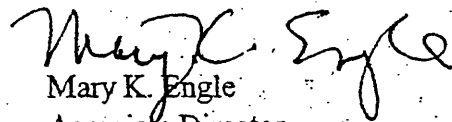
June 14, 2005

Page 2

ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

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



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

Division of Advertising Practices

June 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on June 8, 2005 calling for the simultaneous display of the four health warnings on the packaging of two box varieties of the Fact brand of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letters of May 9 and June 8, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> USFC's plan is hereby approved for two box varieties of the Fact brand of cigarettes (Regular kings and Menthol kings). This approval is effective on the date of this letter and ends on June 13, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If USFC does decide 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.

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<sup>1</sup> Although one of the packaging warnings submitted with you letter of May 9, 2005 contained a typographical error, revised packaging was submitted with your letter of June 8, 2005. This approval pertains only to the packaging that complies with the Federal Cigarette Labeling and Advertising Act.

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

Barry M. Boren, Esq.

June 14, 2005

Page 2

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

June 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on June 8, 2005 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Kick brand of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of May 9, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. USFC's plan is hereby approved for eleven box varieties of the Kick brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s). This approval is effective on the date of this letter and ends on June 13, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If USFC does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

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



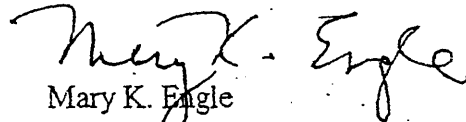
Barry M. Boren, Esq.

June 14, 2005

Page 2

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

July 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, LLC ("USFC") on July 13, 2005 calling for quarterly rotation of the four health warnings in advertising of the Traffic, Fact and Kick brands of cigarettes on advertisement not exceeding ten square feet.

Your plan for the rotation of the warnings in advertising of the Traffic, Fact and Kick brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours, \_\_\_\_\_

Mary K. Engle  
Associate Director

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

**EXHIBIT "F"**  
**U.S. FLUE-CURED TOBACCO GROWERS LLC**  
**CHART OF WARNINGS**

<b><u>Brand</u></b>	<b><u>Warning</u></b>
<b>QUARTER ONE:</b>	
Traffic	Pregnant Women
Fact	Quitting Smoking
Kick	Lung Cancer
Creston	Carbon Monoxide
Passport	Pregnant Women
<b>QUARTER TWO:</b>	
Traffic	Carbon Monoxide
Fact	Pregnant Women
Kick	Quitting Smoking
Creston	Lung Cancer
Passport	Carbon Monoxide
<b>QUARTER THREE:</b>	
Traffic	Lung Cancer
Fact	Carbon Monoxide
Kick	Pregnant Women
Creston	Quitting Smoking
Passport	Lung Cancer

**QUARTER FOUR:**

Traffic

Fact

Kick

Creston

Passport

Quitting Smoking

Lung Cancer

Carbon Monoxide

Pregnant Women

Quitting Smoking

Chart-Warnings

**Selected packaging samples from those  
submitted with the plan.**

CLASS 20 CIGARETTES

EXECUTIVE



UNDERAGE SALE PROHIBITED

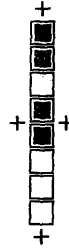


PASSPORT

PREMIUM BLEND



BMM



*FULL FLAVOR*



FULL FLAVOR KING BOX

PASSPORT



*FULL FLAVOR*



JLL

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



TP-NC-15000

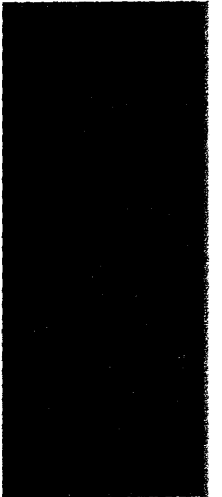
MADE IN USA



NCTG



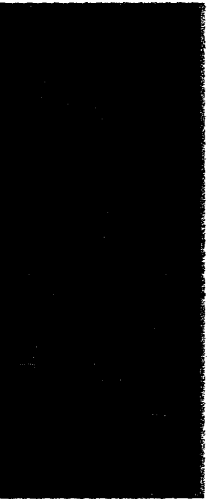
200 Class A Cigarettes



PREMIUM BLEND



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



PREMIUM BLEND

TP-NC-15000





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

Division of Advertising Practices

September 26, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on September 14, 2005 calling for quarterly rotation of the four health warnings in the advertising of the Passport brand of cigarettes and for the simultaneous display of the four health warnings on the packaging of certain varieties of the brand.

Your plan for the rotation of the warnings in advertising for the Passport brand of cigarettes has been approved. Approval of this plan assumes that the plan is implemented in good faith.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 18, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. USFC's plan for packaging is hereby approved for eleven soft pack varieties of the Passport brand of cigarettes (Full Flavor kings, Milds kings, Ultra Milds kings, Menthol kings, Menthol Milds kings, Non-Filter kings, Full Flavor 100s, Milds 100s, Ultra Milds 100s, Menthol 100s, and Menthol Milds 100s) and ten box varieties of the brand (Full Flavor kings, Milds kings, Ultra Milds kings, Menthol kings, Menthol Milds kings, Full Flavor 100s, Milds 100s, Ultra Milds 100s, Menthol 100s, and Menthol Milds 100s). This approval is effective on the date of this letter and ends on September 25, 2006. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its

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



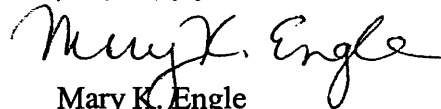
Barry M. Boren, Esq.  
September 26, 2005  
Page 2

provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

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

Mary K. Engle  
Associate Director



# Kingston Tobacco, Inc.

*"A Smooth Rich  
Blend From Us"*



760 Riggstown Road  
Pollocksville, North Carolina 28573  
Phone: (252) 224-9955  
Toll Free: (866) 424-9955  
Fax: (252) 224-9956  
[Kingstontobacco@earthlink.net](mailto:Kingstontobacco@earthlink.net)

March 28, 2007

Ms. Aine Farrell  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, DC 20001

Dear Ms. Schools:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), "Kingston" Tobacco is submitting a plan for the "warnings" rotation under Section 1333 (c) (2) for the Kingston Brand of cigarettes.

Kingston brand cigarette is the only brand Kingston Tobacco Inc. has manufactured on our behalf and we do not manufacture or import any other brands.

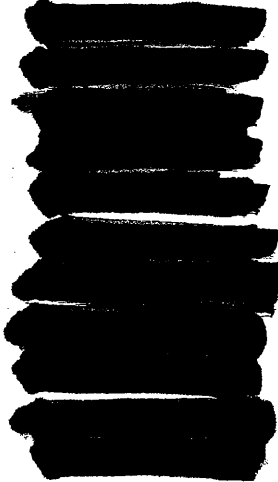
The health warnings will appear exactly as shown on the samples of the brand "Kingston" submitted with our contract manufacturer Virginia Brands, LLC's letter dated August 16, 2006.

The styles of "Kingston" are listed below:

1. Full Flavor Kings (Soft Pack)
2. Light Kings (Soft Pack)
3. Ultra Light Kings (Soft Pack)
4. Menthol Kings (Soft Pack)
5. Menthol Light Kings (Soft Pack)
6. Full Flavor 100s (Soft Pack)
7. Light 100's (Soft Pack)
8. Ultra Light 100s (Soft Pack)
9. Menthol 100s (Soft Pack)
10. Menthol Light 100s (Soft Pack)
11. Non-Filter (Soft Pack)

Our sales volume for "Kingston" Brand cigarettes fiscal year 2006:

1. Full Flavor Kings (Soft Pack)
2. Light Kings (Soft Pack)
3. Ultra Light Kings (Soft Pack)
4. Menthol Kings (Soft Pack)
5. Menthol Light Kings (Soft Pack)
6. Full Flavor 100s (Soft Pack)
7. Light 100's (Soft Pack)
8. Ultra Light 100s (Soft Pack)
9. Menthol 100s (Soft Pack)
10. Menthol Light 100s (Soft Pack)
11. Non-Filter (Soft Pack)



We do not anticipate that our sales for "Kingston" brand cigarettes that are manufactured in fiscal year 2007 shall exceed [REDACTED] per brand style.

We will ensure all four warnings are equally displayed on the packs and cartons for each brand style for one year beginning on the date of approval of this plan. We will maintain records to demonstrate compliance.

Kingston Tobacco Inc continues to be in compliance with its plan for advertising the Kingston Brand that was approved by the FTC on September 4, 2003.

Sincerely,

*Randy D Riggs*  
Randy Riggs



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

Division of Advertising Practices

May 3, 2007

Mr. Randy Riggs  
Kingston Tobacco, Inc.  
760 Riggstown Road  
Pollocksville, NC 28573

Dear Mr. Riggs:

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 proposed plan filed by Kingston Tobacco, Inc. on March 28, 2007 calling for the simultaneous display of the four health warnings on the packaging of eleven soft pack varieties of the Kingston brand of cigarettes.

Kingston Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with Virginia Brands, LLC's (your contract manufacturer) letter of August 16, 2006 appear to meet the requirements of the Cigarette Act for size and conspicuousness. Kingston Tobacco's plan for the display of the four health warnings on packaging is hereby approved for the following eleven soft pack varieties of the Kingston brand: Full Flavor Kings, Full Flavor 100's, Light Kings, Light 100's, Ultra Light Kings, Ultra Light 100's, Menthol Kings, Menthol 100's, Menthol Light Kings, Menthol Light 100's, and Non-Filter Kings. This approval is effective on the date of this letter and ends on May 2, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

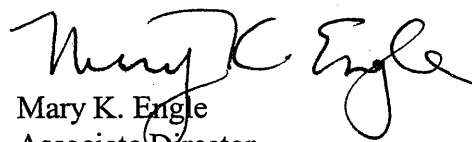
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Randy Riggs  
May 3, 2007  
Page 2

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle  
Associate Director



May 2, 2007

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

By letter dated December 6, 2006, the Federal Trade Commission (FTC) approved the simultaneous display of the four health warnings on packaging of certain varieties of imported Bridgeport, Yukon and Calon brands of cigarettes. Tobacco Holdings will no longer import the Bridgeport, Yukon and Calon brands but will continue to sell the cigarettes imported prior to the date of this letter. Tobacco Holdings is now submitting a plan for the display of the Surgeon General's Warning on packaging of the Yukon, Calon and Bridgeport brands manufactured in the United States by Joseph M. Anderson d/b/a Smokin Joes. Upon approval of this plan, the manufacturer intends to manufacture these cigarettes under the authority of the Bureau of Alcohol, Tobacco & Firearms (Manufacturer of Tobacco Products License TP-NY-168).

Yukon brand cigarettes will be manufactured for Tobacco Holdings, Inc. by Smokin Joes in a variety of styles. The following varieties of Yukon brand cigarettes will be manufactured:

Full Flavor 100 size soft pack  
Full Flavor King size soft pack  
Full Flavor King size box  
Light 100 size soft pack  
Light King size soft pack  
Light King size box  
Menthol 100 size soft pack  
Menthol King size soft pack  
Menthol King size box  
Menthol Light 100 size soft pack  
Ultra Light 100 size soft pack

Non-filter King size soft pack

Calon brand cigarettes will be manufactured for Tobacco Holdings, Inc. by Smokin Joes in a variety of styles. The following varieties of Calon brand cigarettes will be manufactured:

Full Flavor 100 size soft pack  
Full Flavor King size soft pack  
Full Flavor King size box  
Light 100 size soft pack  
Light King size soft pack  
Menthol 100 size soft pack  
Menthol King size soft pack  
Menthol Light 100 size soft pack  
Ultra Light 100 size soft pack  
Non-filter King size soft pack

Bridgeport brand cigarettes will be manufactured for Tobacco Holdings, Inc. by Smokin Joes in a variety of styles. The following varieties of Bridgeport brand cigarettes will be manufactured:

Full Flavor 100 size soft pack  
Full Flavor King size soft pack  
Full Flavor 100 size box  
Full Flavor King size box  
Light 100 size soft pack  
Light King size soft pack  
Light 100 size box  
Light King size box  
Menthol 100 size soft pack  
Menthol King size soft pack  
Menthol King size box  
Menthol Light 100 size soft pack  
Ultra Light 100 size soft pack  
Ultra Light 100 size box  
Non-filter King size soft pack

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted under separate cover directly from Smokin Joes on April 11, 2007.

Tobacco Holdings, Inc. believes that its low sales volume of the cigarette brands fit 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. See fiscal year 2006 sales figures and anticipated sales figures for 2007 at exhibit A.

If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on each of the packs and cartons of the styles and varieties listed above of the Yukon, Calon, and Bridgeport cigarette brands an equal number of times for the one year period beginning on the date of approval of this plan. To ensure the cigarette health warnings appear on each of the above listed 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 equally.

Tobacco Holdings, Inc. continues to be in compliance with its advertising plan for its Bridgeport and Calon brands of cigarettes that was approved by the FTC by letter to PTT.com (the former name of Tobacco Holdings, Inc. – Name changed filed with Florida Division of Corporations on 1/12/2005) dated December 11, 2001 and for their Yukon brand that was approved by the FTC by letter dated July 7, 2003. Attached as exhibit B is Tobacco Holdings, Inc. warning rotation schedule for advertising.

Smokin Joes, the manufacturer, and Tobacco Holdings, Inc. are aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the companies' efforts are always to be fully compliant with the regulations. Tobacco Holdings, Inc. believes that Exhibit A satisfies the requirement to submit a Surgeon General warning rotation plan. . Tobacco Holdings, Inc. will maintain records of compliance with the approved plan. The submitted carton and pack labels for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding these plans, please contact me.

Tobacco Holdings, Inc. no longer manufactures the Jim Porter or Bayport brands of cigarettes and wishes to withdraw its approval for those brands.

Sincerely,



General Manager  
Enclosures



# HIBIT A

^Estimated 2007 Annual Stick Sales Figures      Actual 2006 figures

Description	^Estimated 2007 Annual Stick Sales Figures			Actual 2006 figures		
	BRIDGEPORT QTY in Sticks^	CALON QTY in Sticks^	YUKON QTY in Sticks^	BRIDGEPORT QTY in Sticks*	CALON QTY in Sticks*	YUKON QTY in Sticks*
FULL FLAVOR 100 size soft pack						
FULL FLAVOR KING size soft pack						
FULL FLAVOR KING size box						
LIGHT 100 size soft pack						
LIGHT KING size soft pack						
LIGHT KING size box						
MENTHOL 100 size soft pack						
MENTHOL KING size soft pack						
MENTHOL KING size box						
MENTHOL LIGHT 100 size soft pack						
NON-FILTER king size soft pack						
ULTRA LIGHT 100 size soft pack						
FULL FLAVOR 100 size box						
LIGHT 100 size box						
ULTRA LIGHT 100 size box						

PRODUCT (TOP SELLING SKU 2006 - Actual)	Qty in Sticks*
BRIDGEPORT FULL FLAVOR 100 soft pk	

\*Actual Sales Figures Jan 1 - Dec 31, 2006

PRODUCT (TOP SELLING SKU 2007 - Estimat)	Qty in Sticks^
BRIDGEPORT FULL FLAVOR 100 size box	

^Estimated 2007 Annual Stick Sales Figures

# Exhibit B

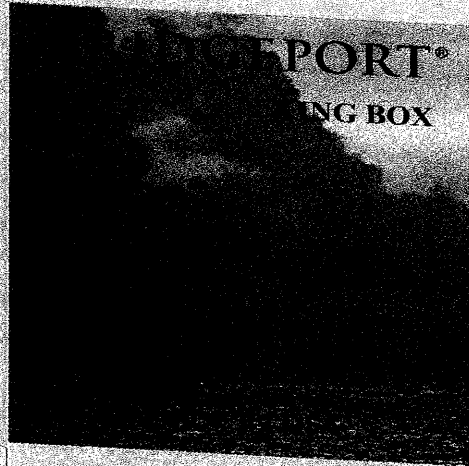
## Rotation Plan for Advertising

Quarter	Calon	Bridgeport	Yukon	Multi-brand
Q1 Jan, Feb, March	A	D	B	C
Q2 April, May, June	B	A	C	D
Q3 July, Aug, Sept	C	B	D	A
Q4 Oct, Nov, Dec	D	C	A	B

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

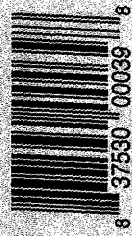
Selected packaging samples from those  
submitted with the plan.

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



*Menthol*  
**BRIDGEPORT**  
KING BOX

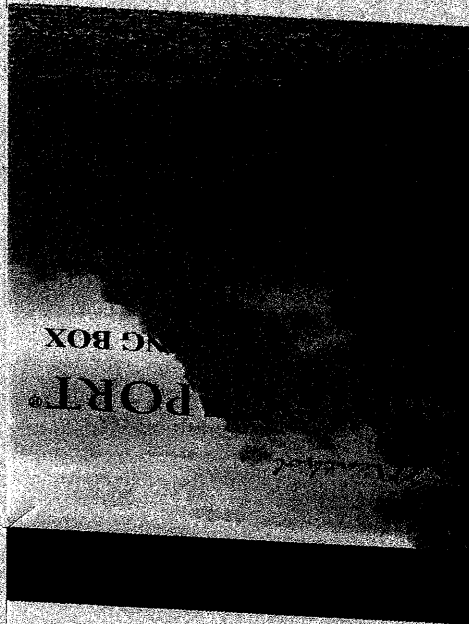
TOBACCO HOLDINGS  
USA  
Produced By  
NY TP 188



20-02327  
CM

*Menthol*  
**BRIDGEPORT**  
KING BOX

A017314



*Menthol*  
**BRIDGEPORT**  
KING BOX

12

UNDERAGE  
SALE  
PROHIBITED

CLASS A  
**20**  
CIGARETTES

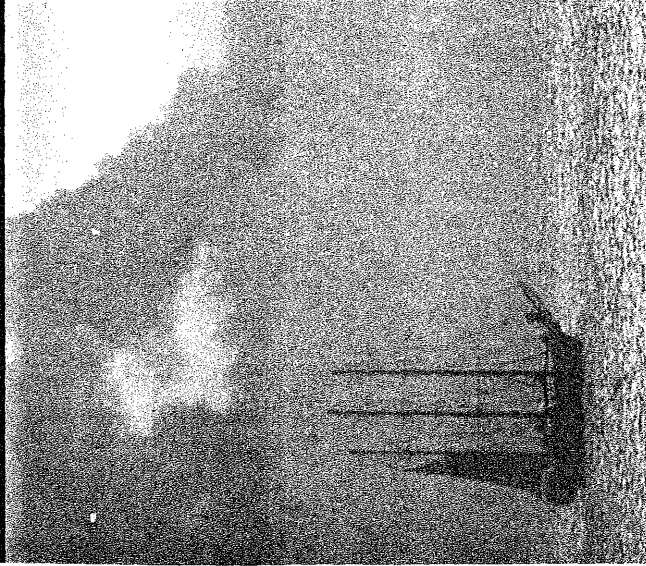


TOBACCO HOLDINGS USA  
Produced By TP NY 168

*Ultra Lights*  
**BRIDGEPORT®**  
BOX 100'S

UNDERAGE  
SALE  
PROHIBITED

200 CLASS A CIGARETTES  
**MADE IN THE USA**



*Ultra Lights*  
**BRIDGEPORT®**  
BOX 100'S

MADE IN U

BOX 100'S

*Ultra Lights*  
**BRIDGEPORT®**

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

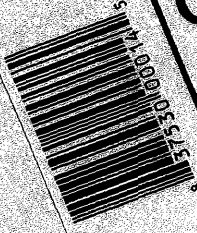
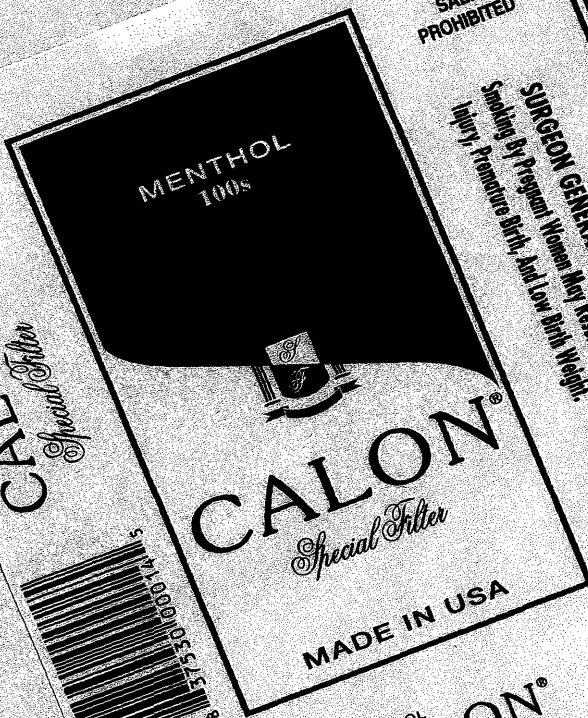
8 37530 00354 2



MADE IN USA

CLASS-A  
20  
CIGARETTES

CALON<sup>®</sup>  
*Special Filter*



CALON<sup>®</sup>  
*Special Filter*

MADE IN USA

MENTHOL  
CALON<sup>®</sup>  
100s

UNDERAGE  
SALE  
PROHIBITED

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

TOBACCO  
HOLDINGS  
USA  
Produced By  
TP-NY 168



MENTHOL  
100s

CALON<sup>®</sup>  
*Special Filter*

MADE IN USA

UNDERAGE  
SALE  
PROHIBITED

**NON FILTER** *Special Blend* **King Size**

# CALION<sup>®</sup>

TOBACCO HOLDINGS USA  
Produced By TP NY 168

200 CLASS A CIGARETTES  
**MADE IN THE USA**

**NON FILTER**  
King Size

# CALION<sup>®</sup>

MADE IN USA



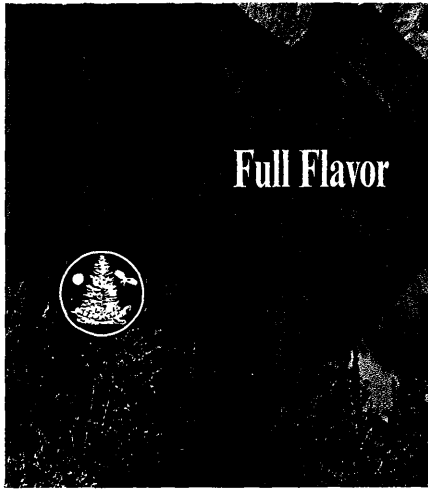
**NON FILTER** *Special Blend* **King Size**

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

# CALION

MADE IN USA

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



20-02346  
CM  
5

YUKON® Full Flavor  
King Box



YUKON® Full Flavor  
King Box

UNDERAGE  
SALE  
PROHIBITED



YUKON®  
Full Flavor  
King Box

TOBACCO HOLDINGS  
USA  
Produced By  
NY TP 168



A017240



CLASS - A  
20  
CIGARETTES





YUKON® Lights  
100's



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





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

Division of Advertising Practices

May 3, 2007

Ms. Karen Kamperman  
Tobacco Holdings, Inc.  
2350 NW 102<sup>nd</sup> Place  
Miami, FL 33172

Dear Ms. Kamperman:

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, on December 6, 2006, I approved a plan filed by Tobacco Holdings, Inc. calling for the simultaneous display of the four health warnings on the packaging of certain imported varieties of the Bridgeport, Calon, and Yukon brands of cigarettes. In a letter dated May 2, 2007, you now propose a replacement plan calling for the simultaneous display of the four health warnings on the packaging of certain domestically manufactured varieties of those brands.

Tobacco Holdings' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with Joseph M. Anderson d/b/a Smokin Joes' (your contract manufacturer) April 11, 2007 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tobacco Holdings' plan for packaging is hereby approved for nine soft pack varieties of the Bridgeport brand of cigarettes (Full Flavor 100's, Lights 100's, Menthol 100's, Menthol Lights 100's, Ultra Light 100's, Full Flavor King, Lights King, Menthol King, and Non-filter King), and six box varieties of the brand (Full Flavor 100's, Lights 100's, Ultra Lights 100's, Full Flavor King, Lights King, and Menthol King); nine soft pack varieties of the Calon brand (Full Flavor 100's, Lights 100's, Ultra Lights 100's, Menthol 100's, Menthol Lights 100's, Non-filter King, Full Flavor King, Lights King, and Menthol King), and the Full Flavor King size box variety; nine soft pack varieties of the Yukon brand (Full Flavor 100's, Lights 100's, Menthol 100's, Menthol Lights 100's, Ultra Lights 100's, Full Flavor King, Lights King, Menthol King, and Non-filter King), and three box varieties of the brand (Full Flavor King, Light King, and Menthol King). This approval is effective on the date of this letter and ends on May 2, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information

Ms. Karen Kamperman  
May 3, 2007  
Page 2

demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Your May 2, 2007 letter also requests that the Commission withdraw its December 5, 2001 approval for the Jim Porter brand, and its May 30, 2003 approval for the Bayport brand. That request is hereby approved.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,



Mary K. Engle  
Associate Director

---

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

May 1, 2007

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for print advertising and promotional material of the following brands of cigarettes all manufactured by Joseph M. Anderson d/b/a Smokin Joes: Smokin Joes, Smokin Joes Natural, Smokin Joes Premium, Market, Lewiston, Exact, Exact brand bearing the Indian Head Logo, and Outdoor Freedom. Upon approval of this plan, Joseph M. Anderson d/b/a Smokin Joes intends to advertise these aforementioned cigarette brands to consumers via print and Internet media.

On a letter dated June 24, 2004, Smokin Joes's plan for the rotation of the warnings in Internet advertising was approved by the FTC; we are still in compliance and will remain in compliance. The websites that Smokin Joes advertises cigarettes on are [www.smokinjoe.com](http://www.smokinjoe.com) or [www.smokinjoes.com](http://www.smokinjoes.com) and [www.sjbrands.com](http://www.sjbrands.com). In Internet advertising the warnings will be displayed in an unavoidable manner on every webpage where it may be viewed without scrolling and shall not be accessed through hyperlinks, pop ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers, and the size of the warning shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the schedule Exhibit A. Sample web pages showing the placement of the warnings on the website were submitted with our June 23, 2004 letter.

Plans for advertising in print media were approved by the FTC on letters dated April 25, 2000 and September 14, 2005. A plan for advertising the Outdoor Freedom brand in print and on the Internet was approved on January 22, 2007. Smokin Joes is still in compliance with those plans, however at this time Smokin Joes would like to expand its plan to cover advertising up to 40 square feet for the Smokin Joes, Smokin Joes Natural, Smokin Joes Premium, Market, Lewiston, Exact, Exact brand bearing the Indian Head Logo, and Outdoor Freedom brands of cigarettes. Smokin Joes will comply with the 1985 plans submitted by the five leading US cigarette manufacturers and will use the formats placed on the FTC website that coincide with those plans and will place the warnings as specified in those plans. Exhibits 1A - 1D will be used on advertisements measuring up to 65 square inches, Exhibits 2A - 2D will be used on advertisements



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

800-274-8010

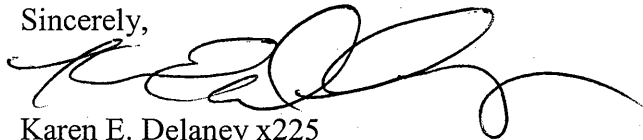
[www.smokinjoe.com](http://www.smokinjoe.com)



measuring over 65 to 110 square inches, Exhibits 3A – 3D will be used on advertisements measuring over 110 to 180 square inches, Exhibits 4A – 4D will be used on advertisements measuring over 180 to 360 square inches, Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches, Exhibits 6A – 6D will be used on advertisements measuring over 470 to 720 square inches, Exhibits 7A – 7D will be used on advertisements measuring over 5 to 10 square feet, Exhibits 8A – 8D will be used on advertisements measuring over 10 to 20 square feet, Exhibits 9A – 9D will be used on advertisements measuring over 20 to 40 square feet. Sample formats were submitted with our April 3, 2007 letter. Smokin Joes also plans to address inconsistencies with some of the previously approved rotation schedules by adopting the replacement schedule attached as Exhibit A for all of its advertisements.

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 statute. Smokin Joes 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 'Karen E. Delaney', with a long, sweeping flourish extending to the right.

Karen E. Delaney x225  
Tax Compliance Manager

Enclosures

# Exhibit A

## Rotation Plan for Advertising and Promotional Materials

Quarter	Exact and Exact bearing Indian Head Logo	Lewiston	Market	Smokin Joes	Smokin Joes Natural	Smokin Joes Premium	Outdoor Freedom	Multi-brand
Q1 Jan, Feb, March	B	D	A	C	C	C	A	C
Q2 April, May, June	D	C	B	A	A	A	B	A
Q3 July, Aug, Sept	C	A	D	B	B	B	D	B
Q4 Oct, Nov, Dec	A	B	C	D	D	D	C	D

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



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

Division of Advertising Practices

May 7, 2007

Ms. 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, on April 25, 2000, June 24, 2004, and September 14, 2005, respectively, a plan and two amendments thereto filed by Joseph M. Anderson d/b/a Smokin Joes ("Smokin Joes"), calling for quarterly rotation of the four health warnings in advertising of the Exact, Lewiston, Market, and Smokin Joes brands of cigarettes were approved. On January 22, 2007, I approved your plan for the Outdoor Freedom brand.

In a letter dated May 1, 2007, you now propose to modify your rotation schedule and expand your plan for those brands to include advertisements up to 40 square feet in size.

The modification and expansion of your plan for rotation of the warnings in advertising of the Exact, Lewiston, Market, Outdoor Freedom, and Smokin Joes brands has been approved. Approval of the plan assumes that the plan is implemented in good faith.<sup>1</sup>

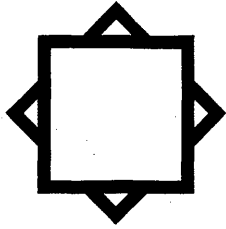
If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

Mary K. Egle  
Associate Director

---

<sup>1</sup> Your advertising rotational warning plan includes Internet advertising of your cigarettes. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Alex Belser at 202-353-3881) to determine whether such advertising on the Internet is permissible.



# DHANRAJ IMPORTS, INC.

The Tobacco Co.

Date: May 04, 2007

VIA UPS Overnight

Ms. Aine Farrell  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Mail Drop NJ - 3212  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
Tel: 202-326-3013 Fax: 202-326-3259

RE: Dhanraj Imports, Inc. –  
Zanzibar® Clove Cigarettes Cherry, Vanilla, Chardonnay, Zanzilatté-Café Latté  
and Zanzitwist-Citrus Cigarette Labeling Rotation Pursuant to 15 U.S.C. § 1333 (c) (2)

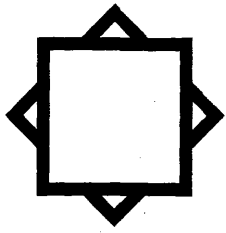
Dear Ms. Aine Farrell:

This is an application pursuant to 15 U.S.C. § 1333 (c) (2) for approval to expand Dhanraj Imports, Inc.'s ("Dhanraj") current Health Warning Rotation plan for the Zanzibar® brand to include five additional brand styles for its Zanzibar® Clove Cigarettes Cherry International Hard Pack, Vanilla International Hard Pack, Chardonnay International Hard Pack, Zanzilatté-Café Latté International Hard Pack and Zanzitwist-Citrus International Hard Pack brand style cigarettes. Dhanraj's address is 11731 Sterling Avenue, Suite F, Riverside, CA, 92503.

Dhanraj will maintain records demonstrating its compliance with this plan. The rotation plan for Zanzibar® Clove Cigarettes Cherry, Vanilla, Chardonnay, Zanzilatté-Café Latté and Zanzitwist-Citrus brand style will be identical to the rotation plan for the other Zanzibar® Clove Cigarettes brand styles submitted to your office in the letter dated November 14, 2002 and approved by your office as evidenced by its letter dated November 25, 2002 for Zanzibar® Classic Clove and Lights Clove brand style. Dhanraj added to Zanzibar® Clove Cigarettes brand style Xtreme Clove brand style wide letter dated May 10, 2006 and evidenced by your office letter dated May 31, 2006. Dhanraj further added to Zanzibar® Clove Cigarettes brand style Ultimate, Crossfire and Lights style wide letter dated December 18, 2006 and evidenced by your office letter dated January 10, 2007. Following is a chart showing the current rotation plans for the Zanzibar® brand and all other brands of cigarettes sold by Dhanraj. The four health warnings will be rotated based upon the date of order of packs and cartons. The warnings will appear exactly as shown on the samples provided with our letter dated April 9, 2007 and revised packaging submitted with this letter dated May 04, 2007.

Continued Page-2





# DHANRAJ IMPORTS, INC.

The Tobacco Co.

Page-2

Quarter	Months	10/20's	Silky Dew	Connect	Zanzibar	Castle	Rook	Marks	Dhyan
1 <sup>st</sup>	Jan- March	A	B	C	B	D	A	B	C
2 <sup>nd</sup>	Apr- June	B	C	D	C	A	B	C	D
3 <sup>rd</sup>	July- Sept	C	D	A	D	B	C	D	A
4 <sup>th</sup>	Oct- Dec	D	A	B	A	C	D	A	B

Quarter	Months	Lady Bloom-120's	Ms. CEO 120'S	DD Select					
1 <sup>st</sup>	Jan- March	D	A	B					
2 <sup>nd</sup>	Apr- June	A	B	C					
3 <sup>rd</sup>	July- Sept	B	C	D					
4 <sup>th</sup>	Oct- Dec	C	D	A					

The HEALTH WARNINGS are as follow,

**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:**

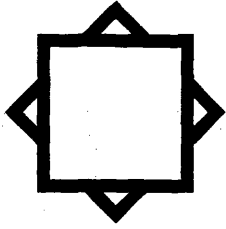
Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

**D.**

**SURGEON GENERAL'S WARNING:**

Cigarette Smoke Contains Carbon Monoxide.

Continued Page-3



# DHANRAJ IMPORTS, INC.

The Tobacco Co.

Page 3

Dhanraj's fiscal year is the calendar year.

Please note that FTC has approved a quarterly rotation plan for health warnings on advertising materials for Zanzibar brand as evidenced by its letter dated September 15, 2004.

We will be pleased to assist any of your requirements in the matter.

With Regards,

A handwritten signature in black ink, appearing to read 'S.B. Patel', with a horizontal line extending to the right.

S.B.Patel  
**President**

**Selected packaging samples from those  
submitted with the plan.**

KANZIBAR The Best Choice

20

Underage Sale Prohibited

KANZIBAR ZANZITWIST

KANZIBAR

# ZANZITWIST

Zanzitwist  
Zealously zesty citrus flavor  
twisted to full bodied clove blend.  
Just feel it.....

by Dharmaj

*Citrus*



KANZIBAR ZANZITWIST

*Citrus*

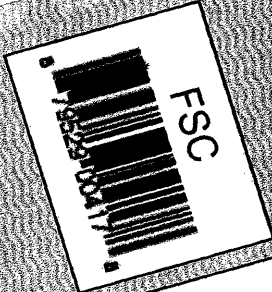
# ZANZITWIST

KANZIBAR

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



FSC  
20 Class A Flavored Clove Cigarettes  
Imported By:  
Dharmaj Imports, Inc. CA-USA  
MADE IN INDONESIA



FSC

2000 CLASS A FILTER TIPPED CIGARETTES  
UNDER NO STATE PROHIBITED

# ZANZIBAR

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

MANUFACTURED  
EXCLUSIVELY FOR  
DHANRAI IMPORTS, INC.  
RIVERSIDE - CA - USA  
MADE IN INDONESIA

# ZANZIBAR

*Vanilla*  
Clove Cigarettes



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

Division of Advertising Practices

May 9, 2007

Mr. S.B. Patel  
President  
Dhanraj Imports, Inc.  
11731 Sterling Avenue, Suite F  
Riverside, CA 92503

Dear Mr. Patel:

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, on November 25, 2002, I approved a plan filed on behalf of Dhanraj Imports, Inc. ("Dhanraj") calling for quarterly rotation of the four health warnings in advertising and on the packaging of certain varieties of the Zanzibar brand of clove cigarettes. In a letter dated May 4, 2007, you propose to expand Dhanraj's plan for the display of the warnings on packaging to include five additional international hard pack varieties of the Zanzibar brand.

The warnings on the sample packs and cartons submitted with your letters dated April 9 and May 4, 2007 appear to meet the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> Dhanraj's expansion of its plan for the Zanzibar brand is hereby approved for the following five international hard pack varieties: Cherry, Vanilla, Chardonnay, Zanzilatte-Café Latte, and Zanzitwist-Citrus. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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<sup>1</sup> Although one of the warnings on the packaging submitted contained an error, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

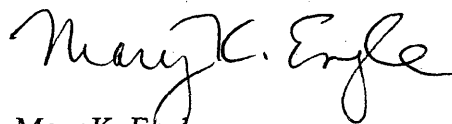
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. S.B. Patel  
May 9, 2007  
Page 2

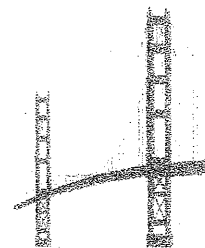
You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

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



4451 Lee Street  
Ayden, NC 28513 USA

Phone: 252-746-4581  
Toll Free: 1-800-459-3957  
Fax: 252-746-8654

Email: [info@bridgetoncigarettes.com](mailto:info@bridgetoncigarettes.com)  
Website: <http://www.bridgetoncigarettes.com>

April 23, 2007

Ms. Mary K. Engle  
Associate Director, Division of Advertising Practices,  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, DC 20001

Subject: FTC Approval Request; BRIDGETON Cigarette Brands

Dear Ms. Engle;

CLP, Inc. (TP-NC-642) is a manufacturer of BRIDGETON cigarettes in Ayden, NC. Our brand styles are: BRIDGETON KING SIZE: Full Flavor, Lights, Ultra Lights, Menthol and Menthol Lights and BRIDGETON 100's: Full Flavor, Lights, Ultra Lights, Menthol, and Menthol Lights. All brand styles are produced in soft pack only.

Sample packs and cartons of the BRIDGETON brand of cigarettes was submitted with our original submission to your office of December 9, 2004 and remains unchanged. The warnings continue to appear exactly as shown on those samples. The four warnings on the packs and cartons of each brand style of the Bridgeton brand of cigarettes will appear an equal number of times for the one year period following approval of the plan. Winston Packaging of Winston-Salem, NC produces all BRIDGETON packaging and produces an even distribution of the four warnings on each of packs and carton materials.

BRIDGETON sales for 2006 were just under [REDACTED] cigarettes for all brand styles combined. We anticipate 2007 BRIDGETON sales to be [REDACTED] cigarettes for all brand styles with Bridgeton Full Flavor 100 being the largest volume style at a projected [REDACTED] cigarette total.

The BRIDGETON advertising plan has not changed and CLP, Inc. will continue to follow the previously approved plan that is currently in place.

CLP, Inc. has a website ([www.bridgetoncigarettes.com](http://www.bridgetoncigarettes.com)) but that site is currently inactive and unavailable for public viewing. CLP, Inc. will apply for and obtain FTC approval before reactivating this website.

CLP, Inc. will maintain records of compliance for the approved plan.

Respectfully Submitted;

Terry P. McLaughlin  
President  
CLP, Inc.





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

Division of Advertising Practices

May 17, 2006

Chris Sutton  
President  
CLP, Inc.  
4451 Lee Street  
Ayden, North Carolina 28513

Dear Mr. Sutton:

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(o) 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 CLP, Inc. ("CLP") on May 16, 2006, calling for the simultaneous display of the four health warnings on the packaging of ten soft pack varieties of the Bridgeton brand of cigarettes.

CLP's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons submitted with your December 9, 2004 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. CLP's plan for packaging of the Bridgeton brand is hereby approved for the following ten soft pack varieties: Full Flavor (kings and 100s), Light (kings and 100s), Ultra Light (kings and 100s), Menthol (kings and 100s), and Menthol Lights (kings and 100s). This approval is effective on the date of this letter and ends on May 16, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

  
Mary K. Engle  
Associate Director

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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.



AMERICA'S FULL SERVICE INDEPENDENT TOBACCO COMPANY

4451 Lee Street  
Ayden, NC 28513 USA

Phone: 252-746-5213  
Toll Free: 1-800-459-3957  
Fax: 252-746-5209

Email: [info@bridgetoncigarettes.com](mailto:info@bridgetoncigarettes.com)  
Website: <http://www.bridgetoncigarettes.com>

## QUARTERLY ROTATION SCHEDULE

### BRIDGETON ADVERTISING

1 <sup>ST</sup> QUARTER (JAN-MAR)	A
2 <sup>ND</sup> QUARTER (APR-JUNE)	B
3 <sup>RD</sup> QUARTER (JULY-SEPT)	C
4 <sup>TH</sup> QUARTER (OCT-DEC)	D



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

Division of Advertising Practices

May 10, 2007

Mr. Terry P. McLaughlin  
President  
CLP, Inc.  
4451 Lee St.  
Ayden, NC 28513

Dear Mr. McLaughlin:

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 proposed plan filed by CLP, Inc. on April 23, 2007, calling for the simultaneous display of the four health warnings on the packaging of ten soft pack varieties of the Bridgeton brand of cigarettes.

CLP's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons submitted with CLP Inc.'s December 9, 2004 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. CLP's plan for packaging is hereby approved for the following ten soft pack varieties of the Bridgeton brand: Full Flavor (Kings and 100's), Lights (Kings and 100's), Ultra Lights (Kings and 100's), Menthol (Kings and 100's), and Menthol Lights (Kings and 100's). This approval is effective on the date of this letter and ends on May 9, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

Mr. Terry P. McLaughlin  
May 10, 2007  
Page 2

If you have any questions regarding this approval, please contact Aine Farrell at (202)  
326-3013

Very truly yours,

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

Mary K. Engle  
Associate Director

May 1, 2007

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

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 packaging of Smokin Joes Ultra Light 100 size box, Smokin Joes Full Flavor 100 size box, and Smokin Joes Light 100 size box manufactured by Joseph M. Anderson d/b/a Smokin Joes. Upon approval of this plan, the manufacturer intends to sell these cigarettes, under the authority of the Alcohol and Tobacco Tax and Trade Bureau, formerly the Bureau of Alcohol, Tobacco & Firearms (License #TP NY 168).

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons of Smokin Joes Ultra Light 100 size box, Smokin Joes Full Flavor 100 size box, and Smokin Joes Light 100 size box submitted with letter dated March 30, 2007. Regardless of the overall appearance of the label and carton, a white background consistently embodies the government warning with black type in order to maximize the contrast and visibility of the image.

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. Smokin Joes has never sold Smokin Joes Full Flavor 100 size box and Smokin Joes Light 100 size box, therefore sales estimates for the 2007 year have been provided on Exhibit A for those styles. On a letter dated May 31, 2005, the FTC approved a plan for the quarterly rotation of warning labels on Smokin Joes Ultra Light 100 size box. At this time Smokin Joes would like to have that brand style considered for the alternative to quarterly rotation of warning labels. Included on Exhibit A are actual sales volumes for Smokin Joes Ultra Light 100 size box for the 2006 calendar year. On a letter dated April 25, 2000, the FTC approved the plan for the quarterly rotation of the warnings on packaging of Smokin Joes styles noted on a Smokin Joes submission letter dated February 16, 2000. Smokin Joes is still in compliance and at this time wishes to remain on the quarterly rotation plan for those styles. Smokin Joes manufactures and imports a number of cigarette brand styles, of all Smokin Joes manufactured and imported cigarette brand styles, over the last calendar year (January 1, 2006 – December 31, 2006) the biggest seller was SMOKIN JOES FF 100'S SOFT PACK, totaling [REDACTED] sticks.



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

800-274-8010

www.smokinjoe.com



If this plan for the alternative to quarterly rotation of warnings on packaging is approved, the four cigarette health warnings will appear on each of the packs and cartons of Smokin Joes Ultra Light 100 size box, Smokin Joes Full Flavor 100 size box, and Smokin Joes Light 100 size box an equal number of times for the one year period beginning on the date the plan is approved. To ensure the cigarette health warnings appear on the above listed 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 equally.

Smokin Joes continues to be in compliance with its plans for advertising its cigarettes that were approved by the FTC on letters dated April 25, 2000, June 24, 2004, and September 14, 2005. A letter requesting approval for the warning rotation plan and acetates used in print media of all dimensions for the advertising of any and all Smokin Joes owned cigarette brands will be submitted to the FTC for approval before print ads meeting that criteria are produced.

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 cartons and pack labels for each brand style bearing each Surgeon General warning satisfies the requirement of package submission. If there are any questions or concerns regarding this plan, please contact me at 716-754-4064 x225.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen E. Delaney', written in a cursive style.

Karen E. Delaney  
Tax Compliance Specialist

# EXHIBIT A

PRODUCT	STICKS <sup>^</sup>
SMOKIN JOES FULL FLAVOR 100 SIZE BOX	[REDACTED]
SMOKIN JOES LIGHT 100 SIZE BOX	[REDACTED]

<sup>^</sup>Estimated 2007 Annual Stick Sales Figures

PRODUCT	STICKS*
SMOKIN JOES ULTRA LIGHT 100 SIZE BOX	[REDACTED]

\*Actual Sales Numbers for 2006 Calendar Year

PRODUCT (TOP SELLING SKU) Jan 1 - Dec 31, 2006	STICKS
SMOKIN JOES FULL FLAVOR 100 SIZE SOFT PACK	[REDACTED]

**Selected packaging samples from those  
submitted with the plan.**



LIGHTS BOX 100'S

LIGHTS BOX

UNDERAGE  
SALE  
PROHIBITED



**Smokin Joes**  
BRAND

**100'S**

20 CLASS A CIGARETTES

LIGHTS BOX 100'S  
TUCK-TOP™ BOX

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

20-02151  
PW

ULTRA LIGHTS  
BOX 100's

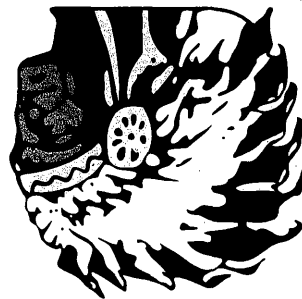


Smokin Joes<sup>®</sup>  
BRAND



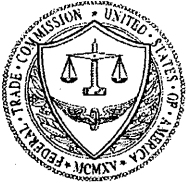
Smokin Joes<sup>®</sup>  
BRAND  
ULTRA LIGHTS BOX 100's

Smokin Joes<sup>®</sup>  
BRAND



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

ULTRA LIGHTS  
BOX 100's



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

Division of Advertising Practices

May 10, 2007

Ms. 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 May 1, 2007, calling for the simultaneous display of the four health warnings on the packaging of three hard pack varieties of the Smokin Joes brand of cigarettes.

Smokin Joes' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your March 30, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Smokin Joes' plan for the simultaneous display of the four health warnings on packaging is hereby approved for the following three hard pack varieties of the Smokin Joes brand: Full Flavor 100's, Light 100's, and Ultra Light 100's. This approval is effective on the date of this letter and ends on May 9, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

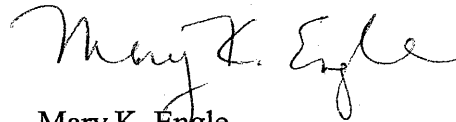
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Karen E. Delaney  
May 10, 2007  
Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

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

Mary K. Engle  
Associate Director

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•  
•  
•  
•  
•  
•

International Tobacco Partners, LTD  
1010 Northern Boulevard Suite 208  
Great Neck, New York 11021  
Phone 516-466-0700  
Fax 516-466-0776  
[jeffreyavo@internationaltobacopartners.com](mailto:jeffreyavo@internationaltobacopartners.com)  
[www.internationaltobacopartners.com](http://www.internationaltobacopartners.com)

## International Tobacco Partners, LTD

May 9, 2007

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

Re: Boston, Cobra, Tough Guy, Ararat and Garni Cigarettes – Surgeon General’s Warning  
Equalization Plan

Dear Ms. Engle:

Pursuant to the Federal Cigarette Labeling and Advertising Act, my company, International Tobacco Partners, LTD as importer is requesting approval for ITP’s plan for equalization of the “Boston,” “Cobra,” “Tough Guy,” and “Ararat” brands, and a new approval for a new brand, “Garni” we will be importing. The “Garni” samples previously submitted for approval with our letter, dated April 24, 2007 are in hard pack: Full Flavor Filter King’s and 100’s, Lights Filter King’s and 100’s, Ultra Lights Filter King’s and 100’s, Menthol Filter King’s and 100’s, Menthol Lights Filter King’s and 100’s, and Non Filter King’s.

1- Warning Labels Size and Location

The four cigarette health warnings will appear on the hard packs and cartons of “Garni” in all brand styles. The packaging and more specifically, the warnings on packaging imported in 2007 will appear exactly as they do on the samples submitted with our letter, dated April 24, 2007.

The four cigarette health warnings will appear exactly as they did on samples ITP previously submitted to the FTC for each of the following brands and brand styles:

“Boston” soft and hard pack in King’s and 100’s: Full Flavor Filter, Lights Filter, Ultra Lights Filter, Menthol Filter, Menthol Lights Filter, Menthol Ultra Lights Filter, and Non-Filter in King’s only;  
“Cobra” soft and hard pack in King’s and 100’s: Full Flavor Filter, Lights Filter, Ultra Lights Filter, Menthol Filter, Menthol Lights Filter, and Non-Filter in King’s hard pack only; “Tough Guy soft pack King’s and 100’s: Full Flavor Filter, Lights Filter, Ultra Lights Filter, Menthol Filter, and Non-Filter in King’s only; “Ararat” hard pack King’s and Slim 100’s: Full Flavor Filter, Lights Filter, Ultra Lights Filter, Menthol Filter, and Menthol Lights Filter.

.....

2- Warning Labels Rotation

International Tobacco Partners, LTD under Section 1333 © (2) chooses not to rotate the warnings quarterly on the "Boston," "Cobra," "Tough Guy," "Ararat," and "Garni" brands of cigarettes. ITP, LTD will insure that each of the four health warnings will appear on the packs and cartons of each brand style of the aforementioned brands an equal number of times during the one year period beginning on the date this plan is approved.

Our sales threshold falls below the quarterly rotational requirements at this time. For calendar year 2006, ITP, LTD had not imported the "Garni" or "Ararat" brands of cigarettes.

Please refer to attachment A for our brand sales for 2006, and projected sales for calendar year 2007.

The four cigarette health warnings are as follows:

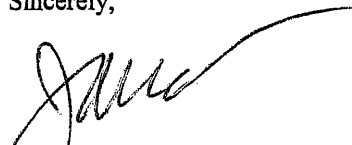
- SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature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

ITP, LTD maintains records of compliance as required by the Cigarette Act. ITP, LTD has complied with the filing requirements for the ingredients of "Garni," "Tough Guy," "Cobra," "Ararat," and "Boston" as required by law.

All of ITP, LTD's advertising will be targeted to in-store distributors and retailers only; advertising to retailers will not in turn be used for consumers. There will be no consumer advertising of the "Garni" brand, nor of the other brands we import: ( i.e. "Boston," "Cobra," "Tough Guy," and Ararat"). If we do decide to advertise our cigarette brands to consumers, we will submit a quarterly rotation plan for advertising to the Federal Trade Commission prior to advertising. Consumers will not be able to gain access to International Tobacco Partners' website, which is password protected.

Thank you for your co-operation in this matter. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Jeffrey Avo Uvezian

President, International Tobacco Partners, LTD

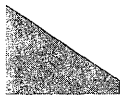
ATTACHMENT A

2007 COMBINED ROTATION PLAN STICK SALES AND PROJECTIONS

<u>BRAND</u>	<u>ACTUAL 2006 STICK SOLD</u>	<u>2007 PROJECTIONS</u>
BOSTON	[REDACTED]	[REDACTED]
COBRA	[REDACTED]	[REDACTED]
TOUGH GUY	[REDACTED]	[REDACTED]
GARNI	[REDACTED]	[REDACTED]
ARARAT	[REDACTED]	[REDACTED]

Selected packaging samples from those  
submitted with the plan.



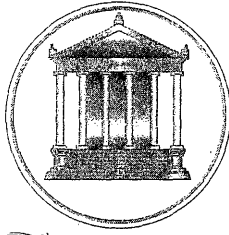


Garni

100's  
BOX

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

AMERICAN BLEND



# Garni

ULTRA LIGHTS

Tested Consistent with ASTM  
E2187-04 and Meeting  
the California Fire Safety Standard.



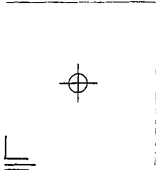
Garni

100's  
BOX

20 CLASS A CIGARETTES  
MADE IN ARMENIA  
UNDER AUTHORITY  
OF TRADEMARK OWNER  
MADE FOR U.S.A. ONLY



8 118709100098 2

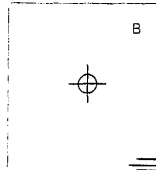
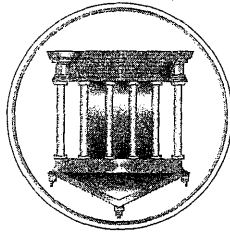


# Garni

20 CLASS A  
FILTER CIGARETTES

ULTRA LIGHTS

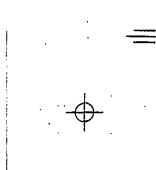
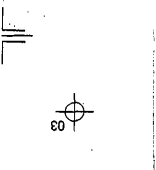
# Garni



AMERICAN BLEND



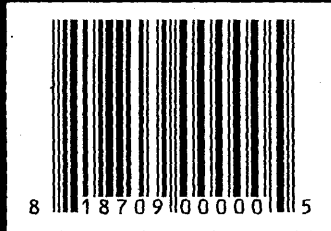
# Garni



SMOKING  
IS  
PROHIBITED

AMERICAN BLEND

KING BOX



Garni  
FULL FLAVOR

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

NG BOX

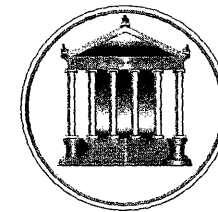
AMERICAN BLEND



GRAND TOBACCO

CLASS A CIGARETTES  
MADE IN ARMENIA  
UNDER AUTHORITY  
OF TRADEMARK OWNER

Garni  
FULL FLAVOR



HARD PACK  
200 FILTER CIGARETTES



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

Division of Advertising Practices

May 10, 2007

Mr. Jeffrey Avo Uvezian  
President  
International Tobacco Partners, LTD  
1010 Northern Boulevard Suite 208  
Great Neck, NY 11021

Dear Mr. Uvezian:

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 International Tobacco Partners, LTD ("ITP, LTD") on May 9, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Ararat, Boston, Cobra, Garni, and Tough Guy brands of cigarettes.

ITP, LTD's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted by ITP on February 23, April 16, May 8 and 31, 2001, April 4, May 20, July 14 and August 29, 2003, January 30, 2004, July 20, November 29, December 5 and 20, 2005, August 11 and December 22, 2006, and April 24, 2007 appear to meet the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> ITP, LTD's plan for the display of the four health warnings on packaging is hereby approved for:

- ten hard pack varieties of the Ararat brand: Full Flavor (King and Slim 100's), Lights (King and Slim 100's), Ultra Lights (King and Slim 100's), Menthol (King and Slim 100's), and Menthol Lights (King and Slim 100's);
- twenty-six varieties of the Boston brand: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard pack), Ultra Light Kings (soft pack

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<sup>1</sup> Although some of the warnings originally submitted did not meet the size requirements of the Cigarette Act, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

and hard pack), Ultra Light 100's (soft pack and hard pack), Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), Menthol Light Kings (soft pack and hard pack), Menthol Light 100's (soft pack and hard pack), Menthol Ultra Light Kings (soft pack and hard pack), Menthol Ultra Light 100's (soft pack and hard pack) and Non-Filter King (soft pack and hard pack);

- twenty-two varieties of the Cobra brand: Full Flavor Kings (soft and hard pack), Full Flavor 100's (soft and hard pack), Lights Kings (soft and hard pack), Lights 100's (soft and hard pack), Ultra Lights Kings (soft and hard pack), Ultra Lights 100's (soft and hard pack), Menthol Kings (soft and hard pack), Menthol 100's (soft and hard pack), Menthol Lights Kings (soft and hard pack), Menthol Lights 100's (soft and hard pack), and Non Filter King size hard pack;
- eleven hard pack varieties of the Garni brand: Full Flavor (King and 100's), Light (King and 100's), Ultra Light (King and 100's), and Menthol (King and 100's), Menthol Lights (King and 100's), and Non Filter King; and
- nine soft pack varieties of the Tough Guy brand: Full Flavor (King and 100's), Light (King and 100's), Ultra Light (King and 100's), Menthol (King and 100's) and Non-Filter King.

This approval is effective on the date of this letter and ends on May 9, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If ITP, LTD does decide to advertise to consumers 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.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes. Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

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

Mr. Jeffrey Avo Uvezian  
May 10, 2007  
Page 3

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

Very truly yours,

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

Mary K. Engle  
Associate Director

April 10, 2007

**VIA FEDERAL EXPRESS**

Mr. Todd Dickey  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

Dear Mr. Dickey:

As you may recall, JT International U.S.A., Inc. has been planning to introduce revised packaging for its "Wave" cigarettes. We submitted to you, for review, artwork (i.e. color prints) for the revised "Wave" individual packages and cartons under cover of letter dated May 2, 2006 and you advised me by telephone on May 5, 2006 that they were satisfactory. We are now submitting the actual revised individual packages and cartons based on such artwork with all four health warnings, as follows:

<u>FAMILY</u>	<u>BRAND</u>	<u>SIZE</u>	<u>STYLE</u>
Wave	Full Flavor	King Size	Box
Wave	Full Flavor	King Size	Soft
Wave	Full Flavor	100s	Box
Wave	Full Flavor	100s	Soft
Wave	Lights	King Size	Box
Wave	Lights	King Size	Soft
Wave	Lights	100s	Box
Wave	Lights	100s	Soft
Wave	Menthol	King Size	Box
Wave	Menthol	King Size	Soft
Wave	Menthol	100s	Box
Wave	Menthol	100s	Soft

Mr. Todd Dickey  
April 10, 2007  
Page 2

<u>FAMILY</u>	<u>BRAND</u>	<u>SIZE</u>	<u>STYLE</u>
Wave	Menthol Lights	King Size	Box
Wave	Menthol Lights	100s	Soft
Wave	Menthol Lights	100s	Box
Wave	Ultra Lights	King Size	Box
Wave	Ultra Lights	100s	Soft
Wave	Ultra Lights	100s	Box

As earlier stated (and as reflected in the artwork earlier submitted), the changes are as follows:

-- The warnings and the side of the individual packages and cartons containing the warnings are entirely unchanged;

-- The word "Box" in a diagonal stripe is being added to the bottom end on the individual packaging for the ten hard pack brand styles; and

-- The word "Box" or "Soft" in a diagonal stripe is being added to the end panels on the cartons and color changes have been made to such end panels for all eighteen brand styles.

As such, these changes to the packaging do not impact in any way on the location, size or other aspects of the health warning on the same packaging or its conspicuousness.

Please confirm that this packaging is approved.

Thank you in advance for your kind consideration.

Very truly yours,



Neal N. Beaton

Enclosures

# 4475527\_v1

Selected packaging samples from those  
submitted with the plan.



**Wave**

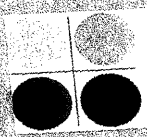
A PRODUCT OF  
INTERNATIONAL  
CLASS A  
CIGARETTES

AMERICAN BLEND

**Wave**

ULTRA LIGHTS

AMERICAN BLEND



**Wave**



Master Blenders with over  
100 years of experience.  
Uncompromising in their  
search for premium tobacco.  
Wave, an exceptionally rich  
texture & unique depth of flavor.

10.1  
12498330

14

20 CLASS A CIGARETTES

ULTRA LIGHTS

**Wave**

BOX



Wave  
Manufactured for  
INTERNATIONAL  
CLASS A  
CIGARETTES  
87-899 WAVE

ULTRA LIGHTS  
20 CLASS A CIGARETTES



SMOKING CAUSES LUNG CANCER,  
HEART DISEASE, EMBRYO-GENESIS AND  
SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer,  
Heart Disease, Embryo-Genesis And  
Complicates Pregnancy.

WARNING:  
Smoking Now  
Greatly Reduces  
Serious Risks to Your Health.



**Wave**

100's  
200 CLASS A CIGARETTES

100'S  
LIGHTS  
200 CLASS A CIGARETTES

**Wave**

AMERICAN BLEND  
LIGHTS

**Wave**  
100'S



200 CLASS A CIGARETTES

INC. N.J.



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

Division of Advertising Practices

May 11, 2007

Mr. Neal N. Beaton  
Holland & Knight, LLP  
195 Broadway, 24<sup>th</sup> Floor  
New York, NY 10007

Dear Mr. Beaton:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, on March 26, 2007, I approved a plan filed on behalf of Japan Tobacco, Inc. and its affiliate, Japan Tobacco International U.S.A., Inc. (collectively “JTI”) for the display of the health warnings on the packaging of certain varieties of the Cabin Mild, Caster Mild, Export A, Mild Seven, Seven Stars, and Wave brands of cigarettes. With an April 10, 2007 letter, you submitted redesigned packs and cartons for eighteen varieties of the Wave brand.

It appears that the health warnings on the redesigned packs and cartons for the Wave brand submitted with your April 10, 2007 letter continue to meet the size and conspicuousness requirements of the Cigarette Act.

If you have any questions regarding this letter, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

Mary K. Engle  
Associate Director

**Windy City Tobacco Company, LLC**  
**4140 Clemmons Road, PMB 297**  
**Clemmons, North Carolina 27012**  
**336-940-2041**

May 4, 2007

Ms. Sallie S. Schools  
Federal Trade Commission  
Division of Advertising Practices, Room NJ-3212  
601 New Jersey Avenue, N.W.  
Washington, DC 20580

Dear Ms. Schools:

Please refer to the "Dallas™" packaging provided to your office with Windy City Tobacco Company's letter of May 27, 2005, and approved on July 22, 2005, and to the Makro™ packaging provided by letter on January 3, 2006 under the company name Cutting Edge Enterprises, Inc., and previously approved by the FTC on January 25, 2006. There have been no changes in any of the packaging for either Dallas™ or Makro™. The warnings will appear exactly as they do on the packaging previously provided.

Windy City Tobacco Company is the sole owner of all Cutting Edge Enterprises stock. Cutting Edge Enterprises manufactures Windy City's tobacco products.

In fiscal year 2006 Dallas™ had total sales of [REDACTED] sticks. In fiscal year 2007 we anticipate total sales of Dallas™ to be approximately [REDACTED] sticks. In fiscal year 2006 Makro™ had total sales of [REDACTED] sticks. In fiscal year 2007 we anticipate total sales of Makro™ to be approximately [REDACTED] sticks. The four cigarette health warnings for all brands will appear an equal number of times on the cartons and packs for each brand style during the one-year period beginning with the date of approval of this plan. We will maintain records of compliance for the approved brand. If, for any reason, our records indicate that compliance was not maintained, we will take all necessary steps to regain compliance, including but not limited to, placing special orders with our packaging suppliers and initiating special production runs for those health warnings needed to be issued.

Warnings that appear on the packs and cartons will be exactly as the following:

- 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.

Windy City Tobacco Company does not have a website, nor do we use print advertising. Before we create a website, or begin print advertising, we will submit a plan to the Federal Trade Commission for the appropriate approvals.

Dallas will be available in the following styles:


- Dallas Full Flavor soft pack – 84mm
- Dallas Full Flavor soft pack – 100mm
- Dallas Light soft pack – 84mm
- Dallas Light soft pack – 100mm
- Dallas Menthol soft pack – 84mm
- Dallas Menthol soft pack – 100mm
- Dallas Menthol Light soft pack – 84mm
- Dallas Menthol Light soft pack – 100mm
- Dallas Ultra Light soft pack – 84mm
- Dallas Ultra Light soft pack – 100 mm
- Dallas nonfiltered soft pack – 84mm

Makro will be available in the following styles:

- Makro Full Flavor soft pack – 84mm
- Makro Full Flavor soft pack – 100mm
- Makro Light soft pack – 84mm
- Makro Light soft pack – 100mm
- Makro Menthol soft pack – 84mm
- Makro Menthol soft pack – 100mm
- Makro Menthol Light soft pack – 84mm
- Makro Menthol Light soft pack – 100mm
- Makro Ultra Light soft pack – 84mm
- Makro Ultra Light soft pack – 100 mm
- Makro nonfiltered soft pack – 84mm

If you require additional information, please contact Chris Stanley at 336-940-4818.

Sincerely,

A handwritten signature in cursive script that reads "Calvin A. Phelps". The signature is written in dark ink and includes a large, stylized flourish at the end.

Calvin A. Phelps  
President



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

Division of Advertising Practices

May 11, 2007

Ms. Chris Stanley  
Compliance Officer  
Windy City Tobacco Company, LLC  
4140 Clemmons Road, PMB 297  
Clemmons, NC 27012

Dear Ms. Stanley:

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 Windy City Tobacco Company, LLC, on May 4, 2007, calling for the simultaneous display of the four health warnings on packaging of certain soft pack varieties of the Dallas and Makro brands of cigarettes.

Windy City's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with letters dated May 27, 2005 and January 3, 2006 appear to meet the requirements of the Cigarette Act for size and conspicuousness. Windy City's plan for packaging for the Dallas and Makro brands are hereby approved for the following eleven soft pack varieties of each brand: Full Flavor King, Full Flavor 100's, Light King, Light 100's, Menthol King, Menthol 100's, Menthol Light King, Menthol Light 100's, Ultra Light King, Ultra Light 100's, and Non-Filter King. This approval is effective on the date of this letter and ends on May 10, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Windy City does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

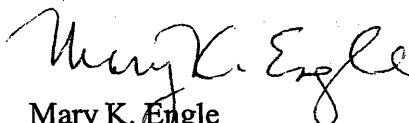
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Chris Stanley  
May 11, 2007  
Page 2

If you have any questions regarding this approval, please contact Clovia Hutchins at  
(202) 326-3215.

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 "M" and "E".

Mary K. Engle  
Associate Director



WYRICK  
ROBBINS  
& YATES  
PONTON  
LLP  
ATTORNEYS AT LAW

JOSEPH H. NANNEY, JR.  
jnanney@wyrick.com

The Summit  
4101 Lake Boone Trail  
Suite 300  
Raleigh, NC 27607.7506

PO Drawer 17803  
Raleigh, NC 27619

ph 919.781-4000  
fax 919.781-4865  
www.wyrick.com

May 10, 2007

**VIA FACSIMILE (202) 326-3259**

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, DC 20001

***Re: Plan for Mountain Tobacco/ King Mountain Cigarettes***

Dear Ms. Engle:

We represent King Mountain Tobacco Company, Inc. ("KMTC"). KMTC owns the KING MOUNTAIN brand of cigarettes, and sells them in the United States. KMTC has decided to change its packaging. We write to provide a plan to you establishing compliance with the federal Cigarette Labeling and Advertising Act (the "Cigarette Act"), and ask for FTC packaging approval for King Mountain for the revised packaging. The president of KMTC is Delbert Wheeler, 2000 Ft. Simco Road, White Swan, WA 98952, phone: (509) 945-5689. Mr. Wheeler's e-mail address is mrwheeler624@aol.com.

We have previously forwarded to you four (4) samples of both individual packages and cartons for each of the following King Mountain brand styles:

- A. Full Flavored Hardpack Kings
- B. Full Flavored Hardpack 100s
- C. Lights Hardpack Kings
- D. Lights Hardpack 100s
- E. Ultra Lights Kings
- F. Ultra Light Hardpack 100s
- G. Menthol Hardpack Kings
- H. Menthol Hardpack 100s
- I. Menthol Lights Kings
- J. Menthol Light 100s

Our client will be selling these brands only in hardpacks, not softpacks. The statutory warnings will appear exactly as they do on the samples, enclosed with my letters of April 13 and April 25, 2007.

KMTC had sales of [REDACTED] sticks in 2006. The highest selling product line was the Full Flavored 100s, with sales [REDACTED] sticks. As such, we believe KMTC qualifies for the alternative to the quarterly rotation plan. The four cigarette health warnings for all brand styles of the King Mountain brand will appear an equal number of times on the cartons and packs for each brand style during the one-year period beginning with the date of approval of this plan. KMTC will maintain records of compliance with the approved plan. If, for any reason, the records of KMTC indicate that compliance was not maintained, it will take all necessary steps to regain compliance, including but not limited to, placing special orders with packaging suppliers and initiating special production runs for those health warnings needed to be issued.

Warnings that appear on the packs and cartons will be exactly as the following:

- 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.

King Mountain Tobacco Company, Inc. is not currently advertising, and will submit an appropriate advertising plan prior to initiating any advertising.

If you have any questions, or require any additional information, please call me at (919) 865-1105. Thank you in advance for your time and consideration. With best regards, I am

Very truly yours,

WYRICK ROBBINS YATES & PONTON, LLP

  
Joseph H. Nanney, Jr.

**Selected packaging samples from those  
submitted with the plan.**

Where Quality Reaches Royal Standards

20

KING MOUNTAIN

Where Quality Reaches Royal Standards

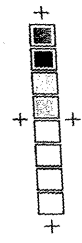
KING Mountain

Premium Blend

MENTHOL LIGHT

WIND

0 1 2 3 4 5 6 7 8 9 10 11 12



KING MOUNTAIN



MENTHOL LIGHT  
Premium Blend  
KING Mountain

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

UNDERAGE  
SALE  
RESTRICTED

FILTER  
100'S

# KING MOUNTAIN

FULL FLAVOR 100'S

**KING**  
**Mountain**  
— Premium Blend —

WHITE SWAN,  
TOBACCO,  
KING MOUNTAIN



Smoking Causes Lung Cancer, Heart Disease,  
Emphysema, And May Complicate Pregnancy.  
SURGEON GENERAL'S WARNING:  
Quitting Now Greatly Reduces Serious Risks to  
Your Smoking.

— 200 —  
CLASS A  
CIGARETTES  
Premium Blend —



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

Division of Advertising Practices

May 21, 2007

Joseph H. Nanney, Jr., Esq.  
Wyrick Robbins Yates & Ponton, LLP  
The Summit  
4101 Lake Boone Trail, Suite 300  
Raleigh, NC 27607-7506

Dear Mr. Nanney:

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 King Mountain Tobacco Company, Inc. ("KMTC") on May 10, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the King Mountain brand of cigarettes.

KMTC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your April 13 and April 25, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. KMTC's plan for the display of the four health warnings on packaging for the King Mountain brand is hereby approved for three soft pack varieties (Ultra Light kings, Menthol Light kings, and Menthol Light 100s), and the following seven hard pack varieties: Full Flavor (king and 100's), Lights (kings and 100's), Ultra Light 100's, and Menthol (kings and 100's).<sup>1</sup> This approval is effective on the date of this letter and ends on May 20, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person

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<sup>1</sup> This approval of your cigarette health warning display plan is an approval of your plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of King Mountain packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not King Mountain packaging complies with relevant trademark law or with other applicable laws.

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

Joseph H. Nanney, Jr., Esq.  
May 21, 2007  
Page 2

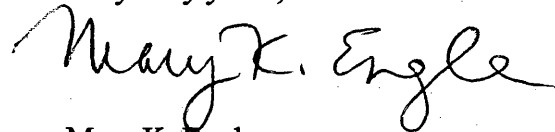
who violates its provisions is guilty of a misdemeanor.

If KMTC does decide 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.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

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, prominent "M" and "E".

Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

barry@bboren.com

Datran One  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

May 21, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Sallie Schools

Surgeon General's Health Warning Quarterly Rotation Plan  
For Roadway Distributors, LLC  
For Way and Score Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for an importer of tobacco products, Roadway Distributors, LLC ("Roadway"), a Florida corporation, with offices located at 10826 S.W. 148<sup>th</sup> Avenue Drive, Miami Florida 33196. Roadway wishes to file a Surgeon General's Health Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to import into the United States under the brand names "Way and Score." The contact person for the company will be its Manager, Jose O. Zarate, who can be reached at the above address. Roadway is a new importer and has never imported cigarettes into the United States.

The brand styles of Way and Score cigarettes Roadway intends to import are listed on Exhibits "A" and "B." Enclosed with our submission of April 18, 2007 were the actual production packs and cartons (listed on Exhibits "A" and "B") for the brand styles being submitted showing exactly where and how the four (4) Surgeon General's health warnings will appear on the individual packs and cartons of the Way and Score brand cigarettes Roadway will be importing.

Even though Roadway qualifies as a small importer/manufacturer as defined by the Act, Roadway wishes to submit to the FTC a plan to rotate quarterly the warning statements as required by 15 U.S.C. §1333(c)(1). The plan we wish to submit requires that Roadway rotate the four warning statements which will appear on the packages and cartons of the Way



and Score brand of cigarettes quarterly, in an alternating sequence, based on the date the cigarettes are actually packaged, regardless of the date(s) on which such cigarettes are imported, sold, or distributed in the U.S. However, in order to allow for an orderly transition from one warning statement to the next, Roadway may, with respect to any brand style of cigarettes, begin using packages bearing the subsequent quarter's label statement up to fifteen (15) production days prior to the commencement of such quarter and continue using packages bearing the prior quarter's label statement up to fifteen (15) production days after the end of such quarter (transition period). Cigarettes, packs and cartons produced in accordance with the provisions of this plan may be removed from storage or inventory in any manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed herein.

In no event shall Roadway employ procedures which are deliberately designed to result in the early or prolonged use of a particular package label statement during the transition period referred to above.

Any repackaging of cigarettes which may occur shall be done with packages bearing the label statement for the quarter in which such repackaging occurs although, in such event, no usable packaging need be replaced or removed.

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. Roadway shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to ensure that the warnings, as they appear on the packs and cartons, comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) preventing the recurrence of any mistakes, errors, or omissions that have come to its attention.

Attached hereto as Exhibit "C" is a chart showing how the health warning rotations for the Way and Score brand to be imported by Roadway will look after this plan is approved.

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

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

Roadway does not have an advertising plan on file for its Way and Score brand

Ms. Mary Engle, Associate Director  
Federal Trade Commission

Page 3  
May 21, 2007

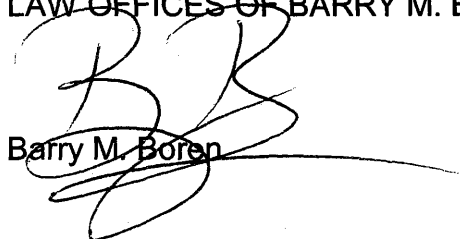
cigarettes at the present time. It does not plan to advertise these cigarettes and, therefore, is not filing an advertising plan for these brands, and will not need to comply with the Act's requirements requiring the rotation of warning labels on advertising. If this should change, we will notify the FTC and modify our plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw  
encs.  
Roadway-Rotation

**EXHIBIT "A"**  
**ROADWAY DISTRIBUTORS, LLC.**  
**WAY CIGARETTES**

**Brand Styles:**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Menthol King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

**ROADWAY DISTRIBUTORS, LLC**  
**SCORE CIGARETTES**  
**EXHIBIT "B"**

**Brand Styles**

Full Flavor King Size Box  
Lights King Size Box  
Menthol King Size Box

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Menthol 100's Soft Pack

Full Flavor 100's Box  
Lights 100's Box  
Menthol 100's Box

**EXHIBIT "C"**  
**ROADWAY DISTRIBUTORS, LLC**  
**CHART OF HEALTH WARNINGS**  
**FOR PACKAGING**

<b>Brand Name</b>	<b>Quarter One Jan. 1<sup>st</sup> to March 31<sup>st</sup></b>	<b>Quarter Two April 1<sup>st</sup> to June 30<sup>th</sup></b>	<b>Quarter Three July 1<sup>st</sup> to Sept. 30<sup>th</sup></b>	<b>Quarter Four Oct. 1<sup>st</sup> to Dec. 31<sup>st</sup></b>
Way	D	A	C	B
Score	B	C	A	D

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

**Selected packaging samples from those  
submitted with the plan.**

UNDERAGE  
SALE  
PROHIBITED

FILTER  
20  
CIGARETTES



PREMIUM BLEND

**WAY**  
MENTHOL

FINEST QUALITY TOBACCOS  
20 CLASS A FILTER CIGARETTES



PREMIUM BLEND

**WAY**  
MENTHOL

FINEST QUALITY TOBACCOS  
20 CLASS A FILTER CIGARETTES

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

**WAY**  
MENTHOL

MADE IN  
PARAGUAY



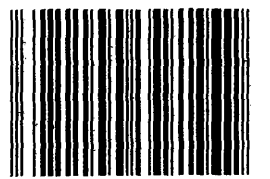
**WAY**  
MENTHOL



FILTER CIGARETTES

# WAY

LIGHTS



MADE IN PARAGUAY  
UNDERAGE  
SALE  
PROHIBITED

# WAY

LIGHTS

FINEST QUALITY TOBACCOS  
10 PACKS OF 20 CIGARETTES

# WAY

LIGHTS

FILTER CIGARETTES



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

SOFT

SOFT

FINEST QUALITY TOBACCOS  
10 PACKS OF 20 CIGARETTES

FILTER CIGARETTES  
10 PACKS OF 20 CIGARETTES



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

*Score*  
FULL FLAVOR  
KINGS

20 CLASS A FILTER CIGARETTES

*Score*  
FULL FLAVOR  
KINGS



MADE IN PARAGUAY

*Score*  
FULL FLAVOR

20 CLASS A FILTER CIGARETTES

*Score*  
FULL FLAVOR  
KINGS

PREMIUM BLEND

*Score*  
FULL FLAVOR

UNDERAGE  
SALE  
PROHIBITED

*S*

PREMIUM BLEND

20  
FILTER  
CIGARETTES

KING SIZE BOX

# Score

FULL FLAVOR

KING SIZE BOX



PREMIUM BLEND



UNDERAGE  
SALE  
PROHIBITED  
MADE IN PARAGUAY

# Score

FULL FLAVOR

KING SIZE BOX

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

PREMIUM BLEND



KING SIZE BOX

FULL FLAVOR

# Score



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

Division of Advertising Practices

May 22, 2007

Barry M. Boren, Esq.  
Datran One  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Roadway Distributors, LLC ("Roadway") on May 21, 2007, calling for quarterly rotation of the four health warnings on the packaging of certain varieties of the Way and Score brands of cigarettes.

The warnings on the sample packs and cartons submitted with your April 18, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Roadway's plan for packaging is hereby approved for nine soft pack varieties of the Way brand (Full Flavor King, Full Flavor 100's, Lights King, Lights 100's, Menthol King, Menthol 100's, Ultra Lights 100's, Menthol Lights 100's, and Non-Filter King), and for the following nine varieties of the Score brand: Full Flavor King hard pack, Full Flavor 100's (hard and soft pack), Lights King hard pack, Lights 100's (hard and soft pack), Menthol King hard pack, and Menthol 100's (hard and soft pack). Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Roadway does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary

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

Barry M. Boren, Esq.

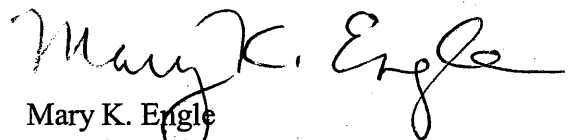
May 22, 2007

Page 2

of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

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, sweeping "M" and "E".

Mary K. Engle  
Associate Director



**Nat Sherman**

SINCE 1930

May 14, 2007

Ms. Bonnie Pulley  
 Paralegal Investigator  
 Division of Advertising Practices  
 Federal Trade Commission  
 Mail Drop NJ-3212  
 600 Pennsylvania Avenue, NW  
 Washington, DC 20580

Re: Sherman's 1400 Broadway NYC, LTD

Dear Ms. Pulley:

Sherman's 1400 Broadway NYC, LTD (Sherman's) total domestic shipments for the twelve-month period ending April 30, 2006 were [REDACTED] cigarettes and we anticipate next year's volume to be [REDACTED] cigarettes. In compliance with the Cigarette Act, Section 1333(c)(2), kindly be advised that Sherman's 1400 manufactured and sold in each of its brands less than one-fourth of one (1%) percent of all cigarettes sold in the United States in the year 2006, and expects to be below the fraction of sales in the present year. Thus, Sherman's 1400 will take advantage of the alternative to quarterly rotation of the warnings on its packaging pursuant to Section 1333(c)(2).

With our letter of March 29, 2007 were samples of actual packaging for new design pack and/or carton with each of the four warnings on the following brands and brand styles which we would like to be covered by this plan. The warnings will appear as exactly as shown on the samples we submitted that letter.

- **Havana Ovals (queen size/brown paper/non filter) pack and carton packaging**
- **Cigarettellos (queen size/brown paper/non filter) pack and carton packaging**
- **Naturals Full Flavor King (white paper/cork filter) carton packaging**
- **Naturals Lights King (white paper/white filter) carton packaging**
- **\*\*\* Naturals Menthol King (white paper/cork filter) pack and carton packaging**
- **\*\*\* Naturals Ultra King (white paper/white filter) pack and carton packaging**
- **\*\*\* New York Cut Menthol (king size/white paper/white filter) pack and carton packaging**
- **Naturals King promotional 5-pack carton packaging (previously unapproved in promotional 5-pack carton packaging)**

**\*\*\* New brand styles \*\*\***

We are submitting the above packaging for approval. The packaging for the brands and brands styles listed below has already approved in the Federal Trade Commission's letter of February 26, 2007.

**Brands & Brand Style**

A Hint of Mint (brown paper/brown filter)  
 A Touch of Clove (brown paper/brown filter)  
 Black & Gold (black paper/gold filter)  
 Cigarettellos (brown paper/non filter)  
 Classic (white paper/cork filter)  
 Classic Light (white paper/cork filter)  
 Classic Mint (white paper/cork filter)

ADMINISTRATIVE 2200 Fletcher Avenue · Fort Lee, NJ 07024 · tel. 201-735-9000 / 800-221-1690 · fax 201-735-9090

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

RETAIL 500 Fifth Avenue · New York, NY 10110 · tel. 800-MY CIGAR (800-692-4427)

WWW.NAT Sherman.COM

**Brands & Brand Style (cont.)**

Fantasia Lights (multi color paper/gold filter)  
Havana Ovals (brown paper/non Filter)  
MCD (brown paper/brown filter)  
MCD Lights (brown paper/brown filter)  
Naturals Full Flavor King (white paper/cork filter)  
Naturals Lights (white paper/white filter)  
Naturals Lights (Brown) (brown paper/brown filter)  
Naturals Lights King (white paper/white filter)  
Naturals Mint (white paper/white filter)  
Naturals Originals (brown paper/cork filter)  
New York Cut Light (white paper/white filter)  
New York Cut Mint (white paper/white filter)  
New York Cut Original (white paper/cork filter)

The four cigarette warnings will appear an equal number of times on the packs and cartons of each brand style over the one year period beginning with the plan approval date. We will keep records demonstrating compliance with this plan.

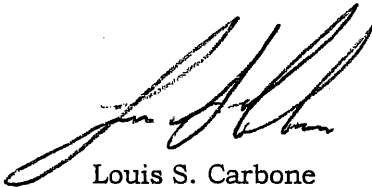
The four cigarette warnings will appear exactly as the requirements specify under the Federal Cigarette Labeling and Advertising Act (15 U.S.C. §§ 1331, et. set. "The Cigarette Act"). In that regard, the following warnings are placed:

- 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.

**Advertising Rotation Plan:** We continue to remain in compliance with our advertising health warning rotation plan for the above-mentioned brands that was approved by the FTC on November 24, 2003.

If you require any further information, please do not hesitate to contact me at 201-735-9008.

Very truly yours,



Louis S. Carbone  
Vice President, CFO

LSC:smm

Enc./

cc: Stanley D. Friedman, Esq. - McAloon & Friedman, P.C.

Selected packaging samples from those  
submitted with the plan.

NEW YORK  
CUT

100% ADDITIVE-FREE  
NATURAL TOBACCO

NAT  
SHERMAN

NEW YORK  
CUT

COMBINING ONLY THE FINEST  
100% ADDITIVE-FREE TOBACCO  
AND ITS UNIQUE NATURAL  
MENTHOL FILTER GIVES  
NEW YORK CUT MENTHOL  
IT'S DISTINGUISHED CHARACTER.  
MAKING IT A CUT ABOVE  
THE REST.

WWW.NEWYORK-CUT.COM



FIFTH AVENUE NEW YORK

NAT  
SHERMAN  
FIFTH AVENUE  
NEW YORK

MENTHOL  
NEW YORK  
CUT

*Luxury Cigarettes*

100% ADDITIVE-FREE  
NATURAL TOBACCO

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



MENTHOL

100% ADDITIVE-FREE

NEW YORK  
JULY  
NATURAL TOBACCO

FIFTH SHERMAN  
NAT AVENUE

WHILE  
FILTER

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

No Additives: 100% Natural Tobacco. Does Not Mean a Safer Cigarette.  
SAFE TO SMOKE: BY PROHIBITED

NEW YORK  
JULY  
NATURAL TOBACCO

*Luxury Cigarettes*

MADE IN THE U.S.A.  
EFFICIENTLY MANUFACTURED  
TO PROTECT THE ENVIRONMENT



MENTHOL

100%

*Luxury Cigarettes*

NEW YORK  
JULY  
NATURAL TOBACCO

"THE ORIGINAL NATURAL™"

We use only the finest  
100% additive-free  
natural tobacco and pack our  
cigarettes more generously to  
provide a slower burn and  
mellower flavor.

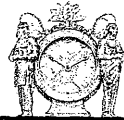
*The Sherman Family*

NAT SHERMAN  
Fifth Avenue • New York  
[www.natsherman.com](http://www.natsherman.com)

SALE TO MINORS PROHIBITED

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

"THE ORIGINAL NATURAL"



Nat Sherman

Fifth Avenue • New York

**Naturals**  
*Ultra*

100%  
ADDITIVE-FREE  
NATURAL TOBACCO

100% ADDITIVE-FREE

**Naturals**

NATURAL TOBACCO

100% ADDITIVE-FREE NATURAL TOBACCO Cigarettes

# Nat Sherman

Nat Sherman

KING SIZE



FSC

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

No Additives In Our Tobacco Does NOT Mean a Safer Cigarette.  
SALE TO MINORS PROHIBITED

TP-NC-641  
100 Class A Cigarettes  
Made in Greensboro, NC 27409 USA



THE ORIGINAL NATURAL<sup>SM</sup>



Nat Sherman

WHAT YOUR CUSTOMERS NEED TO KNOW ABOUT  
**Naturals King Size:**

Only the finest 100% Additive Free Tobacco  
Generously packed to provide a smooth  
Recognized by CSP  
Manufactured

BROWN

100% ADDITIVE-FREE  
NATURAL TOBACCO

*Cigarettes*

NAT  
SHERMAN

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

FSC



No Additives In Our Tobacco Does NOT Mean a Safer Cigarette.

THE ORIGINAL NATURAL<sup>SM</sup>

For over three generations  
our family has created cigarettes  
additive-free, all-natural tobacco  
cigarettes from the finest  
cigarettes with no tar.

SMOKING IS AN  
ADULT PLEASURE



WWW.NATSHERMAN.COM

SALE TO MINORS  
PROHIBITED

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

*Cigarette*  
*tellos*

100% ADDITIVE-FREE  
NATURAL TOBACCO



TP-NC-641

100% ADDITIVE-FREE  
NATURAL TOBACCO

*Cigarette*  
*tellos*

No additives in our tobacco does NOT mean a safer cigarette.

MADE IN  
GREENSBORO, N.C. 27409  
U.S.A.  
TP-NC-641

100  
CLASS-A  
CIGARETTES

*Cigarette*  
*tellos*

NAT  
SHERMAN

SALE TO MINORS  
PROHIBITED

NAT SHERMAN® AND CIGARETTELLOS® ARE  
REGISTERED TRADEMARKS OF NAT SHERMAN, INCORPORATED

*Cigarette*  
*tellos*

THE ORIGINAL NATURAL

For over three generations  
 our family has crafted cigarettes  
 additive-free all-natural tobaccos  
 and natural tobacco. Please enjoy our  
 cigarettes with respect.

100% NATURAL TOBACCO

MADE IN THE U.S.A.

100% NATURAL TOBACCO

MADE IN THE U.S.A.

0 50545 73161 7

FSC

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

NAT SHERMAN

**Havana**

**Ovals**

100% ADDITIVE-FREE  
 NATURAL TOBACCO

BROWN

NON-FILTER

No Additives In Our Tobacco Does NOT Mean a Safer Cigarette.

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

100% ADDITIVE-FREE  
NATURAL TOBACCO

*Havana*  
**Ovals**

100% ADDITIVE-FREE  
NATURAL TOBACCO

*Havana*  
**Ovals**



TP-NC-641

No additives in our tobacco does NOT mean a safer cigarette.

MADE IN  
GREENSBORO, N.C. 27409  
U.S.A.  
TP-NC-641

100  
CLASS-A  
CIGARETTES

*Havana*  
**Ovals**

NAT  
SHERMAN

SALE TO MINORS  
PROHIBITED

NAT SHERMAN® AND HAVANA OVALS® ARE  
REGISTERED TRADEMARKS OF NAT SHERMAN, INCORPORATED

*Havana*  
**Ovals**



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

Division of Advertising Practices

May 24, 2007

Mr. Louis S. Carbone  
Vice President, CFO  
Sherman's 1400 Broadway NYC, LTD  
2200 Fletcher Avenue  
Fort Lee, NJ 07024

Dear Mr. Carbone:

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, on February 26, 2007, I approved a plan filed by Sherman's 1400 Broadway NYC, Ltd. ("Nat Sherman") calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Cigarettellos, Havana Ovals, Hint of Mint, Touch of Clove, Black and Gold, Nat Sherman Classic, Fantasia, MCD, Nat Sherman Naturals, and New York Cut brands of cigarettes. You now propose in a letter dated May 14, 2007 to expand your plan for packaging to include certain new varieties of the Nat Sherman Naturals and New York Cut brands, and promotional carton packaging for the Full Flavor King box variety of the Nat Sherman Naturals brand.

Nat Sherman's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of March 29, 2007 appear to meet the requirements of the Cigarette Act for size and conspicuousness. Nat Sherman's expansion of its plan for the display of the four health warnings on packaging is hereby approved for two box varieties of the Nat Sherman Naturals brand (Menthol King and Ultra King), the Menthol King box variety of the New York Cut brand, and for promotional 5-pack carton packaging for the Full Flavor King box variety of the Nat Sherman Naturals brand.<sup>1</sup> This approval is effective on the date of this letter and ends on May 23, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for

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<sup>1</sup> The approval of your cigarette health warning display plan is an approval only of your plan for the display of the four health warnings mandated by the Cigarette Act. It is not in any way an approval of any statements or representations made on the packaging or in the advertising of Nat Sherman's cigarettes.



Mr. Louis S. Carbone

May 24, 2007


Page 2

information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

In addition, on March 29, 2007, you submitted redesigned packaging for the Queen box variety of the Cigaretellos and Havana Ovals brands, and the Full Flavor King and Lights King box varieties of the Nat Sherman Naturals brand. It appears that the warnings on the packaging submitted continue to meet the size and conspicuousness requirements of the Cigarette Act.

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

Very truly yours,

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

Mary K. Engle  
Associate Director

---

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

PO Box 214  
Gowanda, New York 14070



1.877.NATIVE3  
Fax: 716.537.6137

May 24, 2007

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

Dear Mary Engle:

Native Wholesale Supply Company, importer of the Seneca and Opal brands of cigarettes manufactured by Grand River Enterprises Six Nations Ltd. requests approval for the 2007 plan rotation for Warning Label Display, as provided by Section 1333C(2) of the cigarette act. We are requesting approval for the warning display for the Seneca and Opal 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 was approved on May 3, 2006. We are submitting a renewal of our plan for the simultaneous display of the four health warnings on the packages of the Seneca and Opal brand. This proposed plan covers the following brand styles,

Seneca Full Flavor Soft King  
Seneca Light Soft King  
Seneca Ultra Lt Soft King  
Seneca Menthol Soft King  
Seneca Menthol Light Soft King

Seneca Full Flavor Soft 100's  
Seneca Light Soft 100's  
Seneca Ultra Lt Soft 100's  
Seneca Menthol Soft 100's  
Seneca Menthol Light Soft 100's  
Seneca Menthol Ultra Lt Soft 100's

Seneca Full Flavor Box King  
Seneca Light Box King  
Seneca Ultra Lt Box King  
Seneca Menthol Box King  
Seneca Menthol Light Box King  
Seneca Non-Filter Box King

Seneca Full Flavor Box 100's  
Seneca Light Box 100's  
Seneca Ultra Lt Box 100's  
Seneca Menthol Box 100's  
Seneca Menthol Light Box 100's  
Seneca Menthol Ultra Lt Box 100's

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

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

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

We will display the four warnings on the Seneca and Opal brands of cigarettes an equal number of times. Our sales for the Seneca and Opal brand of cigarettes are as follows; In 2006, Seneca sales were [REDACTED] sticks and Opal sales were [REDACTED] sticks. For 2007, we estimate the Seneca sales to be approximately [REDACTED] sticks and the Opal sales to be approximately [REDACTED] sticks.

Our largest selling brand styles for 2006 were Seneca Full Flavor Box 100's with [REDACTED] sticks and Opal Ultra Light Box 120's with [REDACTED] sticks. For 2007, we expect these same flavors to top our sales. We anticipate Seneca Full Flavor Box 100's to be approximately [REDACTED] sticks and Opal Light Box 120's to be approximately [REDACTED] sticks.

Our proposed plan for compliance with the "Warning Act" is to have our supplier, White House Graphics, run the four warning labels simultaneously with each other. The four warnings will be displayed on the packs and cartons of each brand style an equal number of times during the one year period following the 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 my letter dated April 20, 2007.

The four warnings that will be displayed on 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**

Our plan for rotation of the cigarette health warning in the advertising of the Seneca and Opal brands of cigarettes was approved by the FTC on May 3, 2006. We will maintain compliance with that plan.

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,



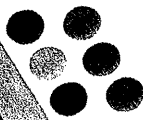
Arthur Montour  
President

Selected packaging samples from those  
submitted with the plan.

Selected Quality  
Tobaccos

Opal  
120's

Opal  
120's



P-120H-OP-FF-8L

Full Flavor  
SUPER THINS

12.14  
5.674  
981234567  
981234567

Opal  
120's

Full Flavor  
SUPER THINS

10405

Full Flavor  
SUPER THINS

SURGEON GENERAL'S WARNING:  
Cigarette Smoking Causes  
Cancer and May Complicate  
Pregnancy



Opal  
120's

UNDERAGE SALE PROHIBITED

**Opal**  
*120's*

*Full Flavor*  
SUPER THINS



**Opal**  
*120's*

MADE IN CANADA

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

10400

*Full Flavor*  
SUPER THINS

*120's*

T-CT

MADE UNDER THE  
AUTHORITY OF  
TOBACCOVILLE,  
USA, INC.  
USA

MADE IN  
CANADA  
TL 889-594-537



# SENECA

FULL FLAVOR  
100'S

100% PURE TOBACCO  
AMERICA'S FINEST BLEND

# SENECA

FULL FLAVOR  
100'S

100% PURE TOBACCO  
AMERICA'S FINEST BLEND

FULL FLAVOR  
100'S

06 | 1 2 3 4 5 6 7  
07 | 8 9 10 11 12  
4297X

P-100H-SE-FF-BL



# SENECA

PREMIUM  
FULL FLAVOR  
100'S

# SENECA

PREMIUM

FULL FLAVOR  
100'S

UNDERAGE  
SALE  
PROHIBITED

20 CLASS  
A  
CIGARETTES

PREMIUM

AMERICA'S  
FINEST BLEND

# SENECA

FULL FLAVOR  
KING SIZE

# SENECA

FULL FLAVOR  
KING SIZE

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

KING SIZE

FULL FLAVOR

# SENECA

SOFT PACKS

PURE TOBACCO

100%



PREMIUM

UNDERAGE SALE PROHIBITED

KING SIZE

FULL FLAVOR

# SENECA

PURE TOBACCO

100%





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

Division of Advertising Practices

May 29, 2007

Mr. Arthur Montour  
President  
Native Wholesale Supply  
10955 Logan Road  
Perrysburg, NY 14129

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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed by Native Wholesale Supply Company ("NWSC") on May 24, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Seneca and Opal brands of cigarettes.

NWSC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your April 20, 2007 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. NWSC's plan for packaging is hereby approved for eleven soft pack varieties of the Seneca brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, Menthol Light 100s, and Menthol Ultra Light 100s), seventeen box varieties of the brand (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, Menthol Light 100s, Menthol Ultra Light 100s, Full Flavor 120s, Light 120s, Ultra Light 120s, Menthol 120s, and Menthol Light 120s), and five box varieties of the Opal brand of cigarettes (Full Flavor 120s, Light 120s, Ultra Light 120s, Menthol 120s, and Menthol Light 120s). This approval is effective on the date of this letter and ends on May 28, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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

Mr. Arthur Montour

May 29, 2007

Page 2

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

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

Mary K. Egle  
Associate Director

**Club Tobacco, Inc.**  
**28471 Thorny Brae**  
**Farmington Hills, MI 48331**  
**Email: janoy28@hotmail.com**

**Tel: 248-872.7886**  
**Fax: 248-848.0523**

Club Tobacco, Inc.  
May 25, 2007

Ms. Mary K. Engle  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Mary:

Club Tobacco is the importer of the cigarette brand "Range" that is manufactured and packaged in the United Arab of Emirates, Dubai by Global Tobacco Fzco. This letter is to outline Range's different flavors, packaging colors and paper type, and most importantly, to request approval of the warning label rotation plan.

Flavors and paper type:

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| 1. Full Flavor King Size (Soft, Box) | 6. Lights 100's (Soft)           |
| 2. Menthol King Size (Soft, Box)     | 7. Ultra Lights 100's (Soft)     |
| 3. Full Flavor 100's (Soft)          | 8. Menthol Lights 100's (Soft)   |
| 4. Menthol 100's (Soft)              | 9. Ultra Lights King Size (Soft) |
| 5. Menthol Lights King Size (Soft)   | 10. Lights King Size (Soft)      |

Color coding:

Full Flavor: Red  
Lights: Light Red  
Ultra Lights: Blue  
Menthol: Green  
Menthol Lights: Light Green

The samples show all four warnings, their exact size, location, true colors and contrast. The warnings will appear exactly as shown on the samples provided with our letter of May 11<sup>th</sup>, 2007 and the samples sent with the letter of March 27<sup>th</sup>, 2007. Club Tobacco will maintain records demonstrating compliance with the plan.

## Warning Label Rotation Plan:

Club Tobacco wishes to rotate the warnings on the packaging quarterly. As shown in table 1, the manufacturer will print the warning that falls under the respective quarter when the order is placed.

## Schedule for Quarterly Rotation

Table 1

	Range
1 <sup>st</sup> Quarter (Jan. – Mar.)	<b>SURGEON GENERAL'S WARNING:</b> Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
2 <sup>nd</sup> Quarter (Apr. – June)	<b>SURGEON GENERAL'S WARNING:</b> Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
3 <sup>rd</sup> Quarter (July – Sept.)	<b>SURGEON GENERAL'S WARNING:</b> Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
4 <sup>th</sup> Quarter (Oct. – Dec.)	<b>SURGEON GENERAL'S WARNING:</b> Cigarette Smoke Contains Carbon Monoxide.

## Advertising:

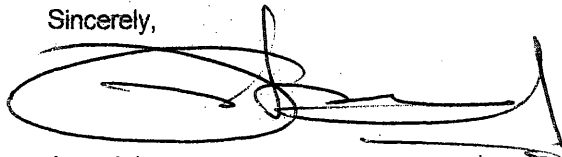
Club Tobacco does not intend to advertise the cigarettes "Range" it imports at this time. When the decision is made to proceed with advertising of any sort, it will update and resubmit the rotation plan to the Federal Trade Commission for approval.

## Additional information:

Importer: Club Tobacco, Inc.  
28471 Thorny Brae  
Farmington Hills, MI 48331  
Tel: (248) 872-7886  
Fax: (248) 848-0523

Manufacturer: Global tobacco Fzco.  
P.O.Box 17331  
Jebel Ali Free Zone  
Dubai, U.A.E.  
Tel: (971) 48817737  
Fax: (971) 48817518

Sincerely,



Jean Jabre  
President  
Club Tobacco, Inc.

Selected packaging samples from those  
submitted with the plan.

UNDERAGE SALE  
PROHIBITED



*Menthol Lights*

100's

*American Blend King Size Filter*

20 CLASS A CIGARETTES FROM  
SPECIAL BLEND DEVELOPED  
BY GLOBAL TOBACCO USA  
MADE IN UAE

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



*Menthol Lights*

100's

*American Blend*

FROM WORLD'S FINEST TOBACCOS

20 CLASS  
A  
CIGARETTES

AMERICAN BLEND KING SIZE FILTER

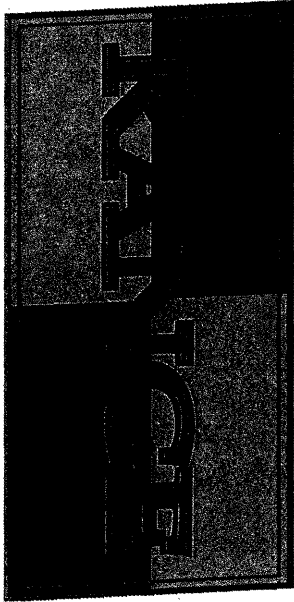


PY0107

**RANGE**

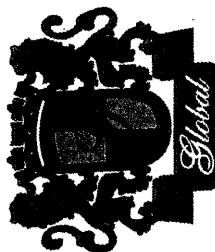
UltraLights

100's



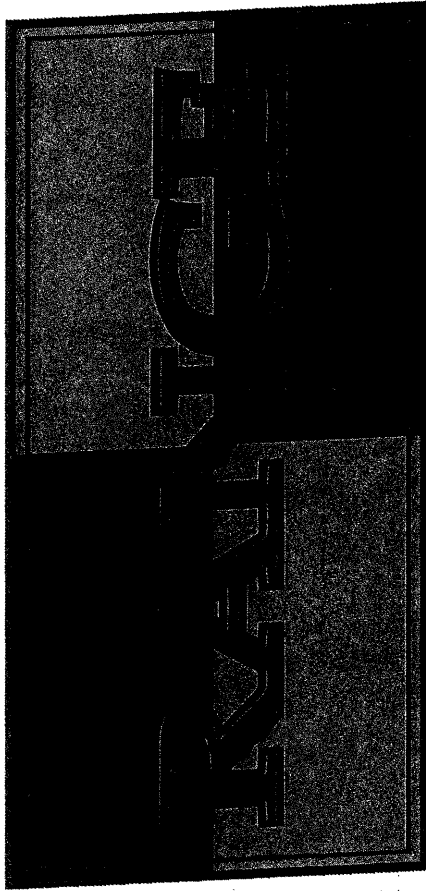
RANGE	
101724/15	
3	

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



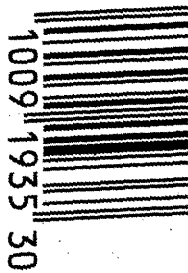
200 FILTER CIGARETTES

AMERICAN BLEND



UltraLights

100's





Division of Advertising Practices

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

May 29, 2007

Mr. Jano Jabre  
President  
Club Tobacco, Inc.  
28471 Thorny Brae  
Farmington Hills, MI 48331

Dear Mr. Jabre:

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 Club Tobacco, Inc. ("Club Tobacco") on May 25, 2007, calling for quarterly rotation of the four health warnings on the packaging of twelve varieties of the Range brand of cigarettes.

The warnings on the sample packs and cartons submitted with your March 27 and May 11, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Club Tobacco's plan for the display of the four health warnings on packaging is hereby approved for two king size hard pack varieties (Full Flavor and Menthol) and the following ten soft pack varieties: Full Flavor (Kings & 100's), Lights (Kings & 100's), Ultra Lights (Kings & 100's), Menthol (Kings & 100's), and Menthol Lights (Kings & 100's). Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Club Tobacco does decide 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.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services

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

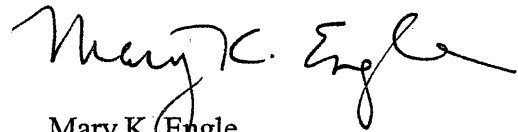


Mr. Jano Jabre  
May 29, 2007  
Page 2

a list of the ingredients added to tobacco in the manufacture of their cigarettes. Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

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

Very truly yours,

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

Mary K. Engle  
Associate Director



S T O L L · K E E N O N · O G D E N  
P L L C

2000 PNC Plaza  
500 West Jefferson  
Louisville, KY 40202  
(502) 333-6000  
Fax: (502) 333-6099  
[www.skofirm.com](http://www.skofirm.com)

WILLIAM JAY HUNTER, JR., ESQ.  
(502) 568-5732  
[william.hunter@skofirm.com](mailto:william.hunter@skofirm.com)

May 29, 2007

**Via Telecopier Number (202) 326-3259**

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: Wind River Tobacco Company, LLC-American Bison® Cigarette Labeling  
Rotation Renewal 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") Post Office Box 4600, Jackson Hole, Wyoming 83001, with offices at 1180 Gregory Lane, Suite 5, 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 1180 Gregory Lane, Suite 5, Jackson, WY). The company contact for WRTC is Managing Member Bradson R. Abrams.

WRTC confirms and warrants that it will continue to conduct its operations so that the four health warnings specified in 15 U.S.C. §1333(a)(1) will be properly displayed for American Bison® 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 it manufactures during the twelve month period following approval of this application, and will keep records demonstrating its compliance with this plan. WRTC expects that its brand styles of the two brands which it manufactures (American Bison® and Nashville®) collectively will not exceed one-fourth of one percent of cigarettes manufactured in the United States during the preceding year.

WRTC manufactures American Bison® cigarettes under tobacco manufacturing license number TP-WY-1.

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).

15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean:

a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8).

During 2007, WRTC plans to manufacture two brand styles of American Bison®: (1) Additive Free Natural Tobacco King Size Hard Box Regular Cigarettes; and (2) Additive Free Natural Tobacco King Size Hard Box Light Filter Cigarettes. WRTC operates on a calendar year. The collective sales of each of WRTC's two American Bison® brand styles, combined with the sales of its Nashville® brand styles, which are the only brands and brand styles sold by WRTC, were well below one quarter of one percent of the cigarettes sold in the United States during 2006. These determinations are based upon WRTC's records showing that sales made during calendar year 2006 were [REDACTED] sticks based on reports of volumes under the Master Settlement Agreement ("MSA"). The aggregate estimated 2007 sales for the American Bison® and Nashville® brand styles are: [REDACTED]. The statutory requirement that more than half of WRTC's brand styles fall below the maximum volume clearly will be satisfied as well.

Actual packs and cartons for each brand and style with each of the four warnings are on file with your office following our initial application submitted to you on March 29, 2002. The four cigarette health warnings will appear exactly as they do on the packaging contained in that submission.

WRTC initially submitted its internet advertising plan to your office by letter of June 24, 2004, and will maintain compliance with that plan.

Wind River Tobacco Company, LLC

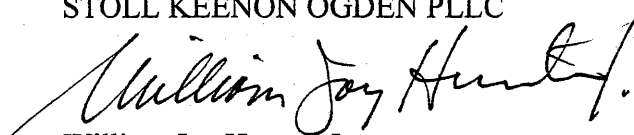
May 29, 2007

Page 3

Please let me know if you need any additional information.

Very truly yours,

STOLL KEENON OGDEN PLLC

A handwritten signature in black ink, reading "William Jay Hunter, Jr.", written in a cursive style.

William Jay Hunter, Jr.

cc: Bradson R. Abrams

LOU 105243/116661/478434.1



STOLL · KEENON · OGDEN  
PLLC

2000 PNC Plaza  
500 West Jefferson  
Louisville, KY 40202  
(502) 333-6000  
Fax: (502) 333-6099  
[www.skofirm.com](http://www.skofirm.com)

WILLIAM JAY HUNTER, JR., ESQ.  
(502) 568-5732  
[william.hunter@skofirm.com](mailto:william.hunter@skofirm.com)

May 29, 2007

**Via Telecopier Number (202) 326-3259**

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: Wind River Tobacco Company, LLC-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 Nashville® cigarette brand. WRTC's address is Post Office Box 4600, Jackson Hole, Wyoming 83001, with offices at 1180 Gregory Lane, Suite 5, 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 1180 Gregory Lane, Suite 5, Jackson, WY). The company contact for WRTC is Managing Member Bradson R. Abrams.

WRTC confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. § 1333(a)(I) are properly displayed for 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 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 expects that its brand styles of the two brands which it manufactures (American Bison® and Nashville®) collectively will not exceed one-fourth of one percent of cigarettes manufactured in the United States during the preceding year.

WRTC's fiscal year is the calendar year.

WRTC manufactures Nashville® cigarettes under tobacco manufacturing license number TP-WY-1.

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).

15 U.S.C. §1333(c)(2)(A). The term "brand style" is defined in the statute to mean:

a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8).

During 2007, WRTC plans to manufacture twenty one brand styles of Nashville®: (1) Ultra Light King Filter Soft Pack Cigarettes; (2) Ultra Light 100s Filter Soft Pack Cigarettes; (3) Light Menthol King Filter Soft Pack Cigarettes; (4) Light Menthol 100s Filter Soft Pack Cigarettes; (5) Light King Filter Soft Pack Cigarettes; (6) Light 100s Filter Soft Pack Cigarettes; (7) Full Flavor King Menthol Filter Soft Pack Cigarettes; (8) Full Flavor Menthol 100s Filter Soft Pack Cigarettes; (9) Full Flavor King Filter Soft Pack Cigarettes; (10) Full Flavor 100s Filter Soft Pack Cigarettes; (11) Non-Filter King Filter Soft Pack Cigarettes; (12) Ultra Light King Filter Hard Box Cigarettes; (13) Ultra Light 100s Filter Hard Box Cigarettes; (14) Light Menthol King Filter Hard Box Cigarettes; (15) Light Menthol 100s Filter Hard Box Cigarettes; (16) Light King Filter Hard Box Cigarettes; (17) Light 100s Filter Hard Box Cigarettes; (18) Full Flavor King Menthol Filter Hard Box Cigarettes; (19) Full Flavor Menthol 100s Filter Hard Box Cigarettes; (20) Full Flavor King Filter Hard Box Cigarettes; and (21) Full Flavor 100s Filter Hard Box Cigarettes.

WRTC operates on a calendar year. The collective sales of each of WRTC's twenty-one Nashville® brand styles, combined with the sale of all of its American Bison® brand styles, which are the only brands and brand styles sold by WRTC, were well below one quarter of one percent of the cigarettes sold in the United States during 2006. These determinations are based upon WRTC's records showing that sales made during calendar year 2006 were [REDACTED] sticks based on reports of volumes under the Master Settlement Agreement ("MSA"). The aggregate estimated 2007 sales for the Nashville® and American Bison® brand styles are: [REDACTED]

Wind River Tobacco Company, LLC

May 29, 2007

Page 3

sticks. The statutory requirements that more than half of WRTC's brand styles fall below the maximum volume will be satisfied as well.

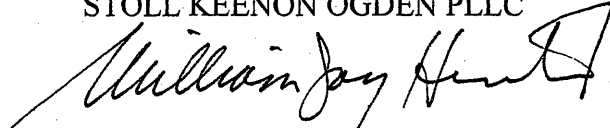
WRTC initially submitted its internet advertising plan to your office by letter of February 9, 2006, and will maintain compliance with that plan.

Actual packs and cartons for each brand and style with each of the four warnings were submitted to your office with our initial application dated January 26, 2006. The four cigarette health warnings will appear exactly as they do on the packaging contained in that submission.

Please let me know if you need any additional information.

Very truly yours,

STOLL KEENON OGDEN PLLC

A handwritten signature in black ink, appearing to read "William Jay Hunter, Jr.", written over a horizontal line.

William Jay Hunter, Jr.

cc: Bradson R. Abrams

LOU 105243/116661/478433.1



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

Division of Advertising Practices

May 29, 2007

William Jay Hunter, Jr., Esq.  
Stoll, Keenon & Ogden, LLP  
2000 PNC Plaza  
500 West Jefferson  
Louisville, KY 40202

Dear Mr. Hunter:

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 two letters, which constitute a plan, filed on behalf of Wind River Tobacco Company, LLC ("WRTC") on May 29, 2007, calling for the simultaneous display of the four health warnings on the packaging of 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. The warnings on the sample packs and cartons submitted with your March 29, 2002 and January 26, 2006 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. WRTC's plan for packaging is hereby approved for the Regular Filter and Light Filter King size hard pack varieties of the American Bison brand, and for the following twenty-one varieties of the Nashville brand: Full Flavor Kings (soft and hard pack), Full Flavor 100's (soft and hard pack), Light Kings (soft and hard pack), Light 100's (soft and hard pack), Ultra Light Kings (soft and hard pack), Ultra Light 100's (soft and hard pack), Menthol Kings (soft and hard pack), Menthol 100's (soft and hard pack), Menthol Light Kings (soft and hard pack), Menthol Light 100's (soft and hard pack), and Non Filter Kings soft pack. This approval is effective on the date of this letter and ends on May 28, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

This approval of WRTC's cigarette health warning display plan is an approval only of its plan for displaying the four health warnings mandated by the Cigarette Act. It is not in any way

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

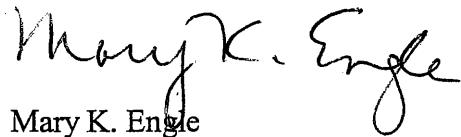


William Jay Hunter, Jr., Esq.  
May 29, 2007  
Page 2

an approval of any other statements or representations made on the packaging or in the advertising of WRTC's cigarettes.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

Very truly yours,

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

Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

barry@bboren.com

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

May 23, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Diana Finegold

Renewal of  
Surgeon General's Warning Rotation Plan for  
Tantus Tobacco, LLC  
For Berkley Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, Tantus Tobacco, LLC ("Tantus"), a Kentucky limited liability corporation, with offices located at 200 Progress Dr., Russell Springs, Kentucky 42642 and the mailing address is P.O. Box 1030, Jamestown, Kentucky 42629. Tantus wishes to renew its existing equalization Surgeon General's Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Berkley." The contact person for the company will be its President, Brian Cooper, who can be reached at the above address.

A renewal equalization plan was approved for Berkley on April 19, 2006 and a copy is attached hereto as Exhibit "A." A renewal equalization plan for Berley cigarettes was approved by the FTC on August 16, 2006 (see Exhibit "B" attached hereto). An advertising plan for the Berkley and Berley brands was approved on August 30, 2005 (see Exhibit "C"). An equalization and advertising plan was approved by the FTC for Dillon, Dixon, 24/7 and Superior cigarettes on September 6, 2006 and a copy of the letter is attached hereto as Exhibit "D." An equalization and advertising plan was approved by the FTC for Golden Blend on November 16, 2006 is attached hereto as Exhibit "E."

The brand styles of cigarettes Tantus intends to manufacture are listed on Exhibit "F." These are the same brand styles that were listed in its Berkley plan which was approved on April 19, 2006. Actual samples of the Berkley packs and cartons for the various brand styles (listed on Exhibit "F") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Berkley brand Tantus is manufacturing, were enclosed with the submission of March 9, 2005. None of the packs or cartons have changed since they were submitted.

Tantus manufactured approximately [REDACTED] cigarettes (all were either Golden Blend, Berkley or Berley brand cigarettes) in fiscal year 2006. In fiscal 2007 to date, it has manufactured approximately [REDACTED] cigarettes (all were Golden Blend, Berkley or Berley brand cigarettes). Tantus anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Dixon, Dillon, 24/7, Superior, Golden Blend, Berkley and Berley) in fiscal year 2007.

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

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

The individual packs of Berkley cigarettes to be manufactured by Tantus will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will have the proper health warnings printed directly on the cartons by the manufacturer.

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

Tantus understands that the FTC is charged with ensuring that Tantus' Surgeon General's Health Warning Label Plan is complied with and, therefore, it agrees to maintain

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

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. Tantus shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to ensure that the warnings as they appear on the packs and cartons comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) preventing the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

Tantus has an advertising rotation plan in place for its Berkley cigarettes which was approved by the FTC on August 30, 2005 and an expansion to its advertising rotation plan was approved by the FTC on January 22, 2007 and is attached hereto as Exhibit "G." Tantus is in compliance with this plan and wishes to make no changes to its advertising plan at this time.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw  
encs. RenewalEqualize



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

Division of Advertising Practices

April 19, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan on behalf of Tantus Tobacco, LLC ("Tantus") on March 22, 2006 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berkley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of March 9, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for packaging is hereby approved for eleven soft pack varieties of the Berkley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on April 18, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

Mary K. Engle  
Associate Director

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



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

November 16, 2006

Barry Boren  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 14, 2006 plan filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berley brand of cigarettes. In a letter dated November 16, 2006, you now propose to expand Tantus' plan to include three additional box varieties of the Berley brand.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of November 6, 2006 appear to comply with the size and conspicuousness requirements of the Cigarette Act. Tantus' expansion of its plan for packaging is hereby approved for the following three king box varieties of the Berley brand of cigarettes: Ultra Lights, Menthol and Menthol Lights. This approval is effective on the date of this letter and ends on August 16, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

As a reminder, Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

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



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

Division of Advertising Practices

August 30, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on August 23, 2005 calling for quarterly rotation of the four health warnings in advertising of the Berkley and Berley brands of cigarettes.

Tantus's plan for the rotation of the warnings in advertising of the Berkley and Berley brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Engle" followed by a stylized flourish.

Mary K. Engle  
Associate Director

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



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

Division of Advertising Practices

September 6, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on September 6, 2006 on behalf of Tantus Tobacco, LLC ("Tantus") calling for quarterly rotation of the four health warnings in the advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of the Full Flavor King Size Box variety of each of those brands.

Tantus's plan for the rotation of the warnings in advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes has been approved. Approval of the plan assumes the plan is implemented in good faith.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 15, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for the display of the four health warnings on packaging is hereby approved for the Full Flavor King Size Box variety of the 24/7, Dillon, Dixon, and Superior brands. This approval is effective on the date of this letter and ends on September 5, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services

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

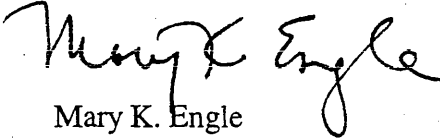


Barry M. Boren, Esq.  
September 6, 2006  
Page 2

a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

November 16, 2006

Barry M. Boren, Esq.  
Datran One  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on November 8, 2006, calling for quarterly rotation of the four health warnings in advertising of the Golden Blend brand of cigarettes, and for the simultaneous display of the four health warnings on the packaging of nine soft pack varieties of that brand.

Tantus's plan for the rotation of the warnings in advertising of the Golden Blend brand of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your October 16, 2006 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Tantus' plan for the display of the four health warnings on packaging for the Golden Blend brand is hereby approved for the following nine soft pack varieties: Full Flavor kings, Light kings, Menthol kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s.<sup>1</sup> This approval is effective on the date of this letter and ends on November 15, 2007. Approval of the plan is contingent on its good faith

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<sup>1</sup> The approval of Tantus' cigarette health warning display plan is an approval of its plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of Tantus' packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not Tantus' packaging or advertising complies with relevant trademark law or with other applicable laws.

Barry M. Boren, Esq.

November 16, 2006

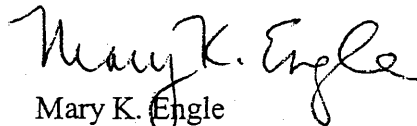
Page 2

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,



Mary K. Engle  
Associate Director

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

**EXHIBIT 'F' LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

**BERKLEY CIGARETTES**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Ultra Lights King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Lights King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box

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



Division of Advertising Practices

January 22, 2007

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 30, 2005 (Berkley and Berley), September 6, 2006 (24/7, Dixon, Dillon and Superior) and November 16, 2006 (Golden Blend) plans filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the quarterly rotation of the four health warnings in the advertising of the aforementioned brands. In a letter dated January 2, 2007, you now propose to expand Tantus' plan to include advertising between 160 and 1,200 square feet.

The expansion of Tantus' plan for the rotation of the warnings in advertising for the Berkley, Berley, 24/7, Dixon, Dillon, Superior, and Golden Blend brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

— EXHIBIT "G" —



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

Division of Advertising Practices

May 30, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission (“the 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 the revised proposed plan filed on behalf of Tantus Tobacco, LLC (“Tantus”) on May 23, 2007 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berkley brand of cigarettes.

Tantus’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of March 9, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus’s plan for packaging is hereby approved for eleven soft pack varieties of the Berkley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on May 29, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

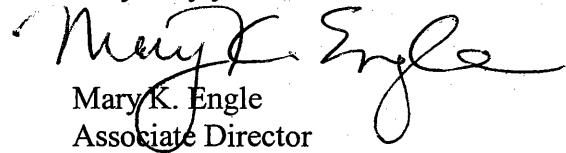
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
May 30, 2007  
Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

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

Mary K. Engle  
Associate Director

**D Cube LLC dba  
Sovereign Tobacco Company**

34 Sunburst Circle, E. Amherst, NY 14051  
Tel (716) 228-9052, Fax (716) 639-1214

May 30, 2007

Ms. Diana Finegold  
Federal Trade Commission  
Division of Advertising Practices  
601 New Jersey Avenue, N.W.  
Room NJ-3212  
Washington, DC 20001

**Renewal of Cigarette Health Warning Rotation Plan**

Dear Ms. Finegold:

On May 22, 2006, the Federal Trade Commission ("the Commission") approved a cigarette health warning rotation plan submitted by D Cube LLC dba Sovereign Tobacco Company (the Manufacturer). The plan (submitted on May 10, 2006, and effective through May 21, 2007) related to the manufacturing and selling of the following ten soft pack varieties of the Bishop brand of cigarettes: full flavor (king and 100's), light (king and 100's), menthol (king and 100's), menthol light (king and 100's) and ultra light (king and 100's). Samples of packs and outer cartons showing each of the four surgeon general's health warnings for each brand style listed above were submitted on April 19, 2005. The actual packs and cartons to be manufactured and sold will be identical to the previously submitted samples

The purpose of this letter is to ask that the rotation plan be approved for the one-year period beginning on the date of your approval.

Upon approval, the Manufacturer intends to continue to manufacture and sell these "Bishop" cigarette soft pack brand styles (king full flavor, king light, menthol king, menthol king light, ultra light king, full flavor 100's, light 100's, menthol 100's, menthol light 100's, and ultra light 100's) at its factories located in Irving and Angola, New York in the United States (for a one-year period commencing upon FTC approval).

The Manufacturer expects that from the date that the previous plans were approved through the date of the new plan, an equal number of each of the four health warnings will have appeared on packs and cartons of each of the brand styles of the Bishop



cigarettes. This is achieved because all of the related packs and cartons are printed with equal quantities of the four cigarette health warnings and because the Manufacturer's production personnel use equal numbers of the four different packs and cartons when manufacturing each of the cigarette brand styles.

The total number of cigarettes manufactured and sold in 2006 did not exceed [REDACTED] cigarettes for any one, brand style of Bishops. I anticipate that in 2007, the total number of cigarettes manufactured and sold will not exceed [REDACTED] cigarettes for any one, brand style of Bishops. In addition, the total number of cigarettes manufactured and sold in 2006 did not exceed [REDACTED] cigarettes for any one, brand style of MB's (Mohawk Blend) or [REDACTED] cigarettes for any one, brand style of Niagara's (the only other brands manufactured by the manufacturer). I anticipate that in 2007, the total number of cigarettes manufactured and sold will not exceed [REDACTED] cigarettes for any one, brand style of MB's (Mohawk Blend) or [REDACTED] cigarettes for any one brand style of Niagara's.

The Manufacturer will maintain records for the FTC of exact numbers manufactured and sold each year via documentation prepared in accordance with this plan (see discussion of the Surgeon General Warning Rotation Log below). In accordance with Section 4(c)(2) of the Act, and based upon anticipated annual sales quantities (i.e. total sales will be less than one-fourth of one percent of total cigarettes sold in the United States, and the brand styles of the cigarettes manufactured meet this low sales threshold), the Manufacturer respectfully requests that it be allowed to continue to use the Rotation Plan using the Alternative method to the Quarterly Rotation Plan described in Section 4(c)(1).

As a "small" manufacturer by virtue of the information set forth above, the Manufacturer hereby states as its plan of rotation that the labels described in Section 1333 (a)(1) of the Act shall appear on the packs and cartons of each brand style of cigarettes an equal number of times for the one year period commencing on the date of approval.

The Manufacturer's Rotation Plan includes procedures to maintain a Surgeon General Warning Rotation Log (the "Log") at the manufacturing facility that will be used to quantify the number of the four approved health-warning labels that are sold. The Log will be reviewed periodically throughout the year to assure that the four Surgeon General warnings are equalized in their use during the year.

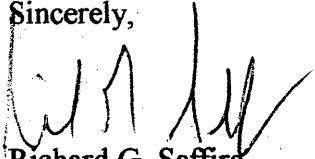
Since the Manufacturer will not advertise the Bishop product, there is no need to submit a plan for the rotation of warnings on advertising. If the manufacturer plans to advertise, it will submit a plan to the FTC before advertising begins.

The Manufacturer believes that the foregoing Plan continues to comply with the requirements set forth in the Federal Cigarette Labeling and Advertising Act and respectfully requests approval of this renewal (continuation).

Should this request conform to your requirements, I would appreciate that a letter evidencing the approval be sent (or faxed to 716-639-1214) to my attention at the above

addresses. If you have any questions concerning the Plan I have described, or need additional information, please call. Your prompt attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard G. Saffire', written over a faint rectangular box.

Richard G. Saffire  
Member



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

Division of Advertising Practices

May 30, 2007

Mr. Richard G. Saffire  
D Cube LLC d/b/a Sovereign Tobacco Company  
34 Sunburst Circle  
E. Amherst, NY 14051

Dear Mr. Saffire:

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 the revised proposed plan filed by D Cube LLC d/b/a Sovereign Tobacco Company ("Sovereign Tobacco") dated May 30, 2007, calling for the simultaneous display of the four health warnings on packaging of certain varieties of the Bishop brand of cigarettes.

Sovereign Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter dated April 19, 2005 appear to meet the requirements of the Cigarette Act for size and conspicuousness. Sovereign Tobacco's plan for packaging is hereby approved for the following ten soft pack varieties of the Bishop brand: Full Flavor King, Lights King, Ultra Lights King, Menthol King, Menthol Lights King, Full Flavor 100's, Lights 100's, Ultra Lights 100's, Menthol 100's, and Menthol Lights 100's. This approval is effective on the date of this letter and ends on May 29, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Sovereign Tobacco does decide 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.

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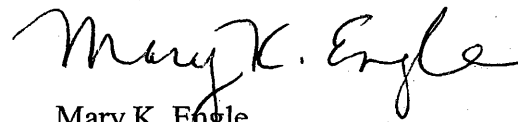
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Richard Saffire  
May 30, 2007  
Page 2

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

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

Mary K. Engle  
Associate Director



June 5, 2007

Ms. Diana Finegold  
Federal Trade Commission  
Division of Advertising Practices  
601 New Jersey Avenue, N.W.  
Room NJ3212  
Washington, DC 20580

**ITL (USA) Limited**

An affiliate of  
Imperial Tobacco Canada Limited

One Blue Hill Plaza  
P.O. Box 1571  
Pearl River, NY 10965-1571  
United States

Tel. (845) 735-3135  
Fax (845) 735-3568  
Customer Orders 1 800 872-4851

Re: 2007 Cigarette Warning Label Rotation

Dear Ms. Finegold:

ITL (USA) Limited will satisfy the de minimus requirements of Title 15 Commerce and Trade, Chapter 36, Title 15, Section 1333(c)(2) of the U.S.C.A. with respect to the brand style listed below and we plan to simultaneously display all four warning labels listed in Title 15, Section 1333(a) of the U.S.C.A. Total sales for calendar year 2006 were [REDACTED] cigarettes. Anticipated sales for calendar year 2007 are expected to be less than [REDACTED] cigarettes.

ITL (USA) Limited will display the four (4) Surgeon General Cigarette Warnings (exactly as shown on the packaging submitted on May 24, 2007 for the duMaurier Special 100MM) equalizing the four warnings on the packs and cartons over the course of one year beginning on the date of approval of this Plan (each pack and carton contain one of the four Surgeon General Warnings).

Records are being kept to demonstrate compliance with this Plan of Surgeon General Cigarette Warning rotation.

Please notify me if this request has been accepted by the Federal Trade Commission. If you have any questions, please call me at the above telephone or e-mail me at [dfaucher@ihgi.com](mailto:dfaucher@ihgi.com). Thank you.

Sincerely,

Denis Faucher  
President

**Selected packaging samples from those  
submitted with the plan.**

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

NOT FOR SALE  
VENTE INTERDITE  
IN / AU CANADA



FSC

MAURICE  
SPECIAL



12

MAURICE  
SPECIAL



00000000  
CC1011282

MAURICE  
SPECIAL



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



FSC





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

Division of Advertising Practices

June 6, 2007

Mr. Denis Faucher  
President  
ITL (USA) Limited  
One Blue Hill Plaza  
P.O. Box 1571  
Pearl River, NY 10965-1571

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, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, on April 25, 2007, I approved a plan filed by ITL (USA) Limited ("ITL") calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the duMaurier, Matinee, and Player's brands of cigarettes. You now propose in a letter dated June 5, 2007 to expand your plan to include the Special 100's variety of the duMaurier brand.

ITL's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons submitted with your May 24, 2007 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. ITL's expansion of its plan for the display of the health warnings on packaging is hereby approved for the duMaurier Special 100's variety. This approval is effective on the date of this letter and ends on June 5, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

Mary K. Engle  
Associate Director

---

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

**LAW OFFICES OF  
BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

barry@bboren.com

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

June 6, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Sallie Schools

Surgeon General's Health Warning Equalization Plan  
for Venture Wholesale, Inc.  
for Nova Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a importer of tobacco products, Venture Wholesale, Inc. ("Venture"), an Illinois corporation, with offices located at 10 N. Martingale Rd., Suite 400, Schaumburg, Illinois 60173. Venture wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to import in the United States under the brand name "Nova." The contact person for the company will be its President, Keith Martin, who can be reached at the above address. The plan we are proposing for the Nova cigarettes is an equalization plan.

Venture currently has in place an equalization plan for Archer cigarettes which was approved by the FTC on October 10, 2006. A copy of the approval letter is attached hereto as Exhibit "A." Venture also has an equalization plan for Honor, Mirada and Sabre brands of cigarettes which were approved by the FTC on April 11, 2007. A copy of the approval letter is attached hereto as Exhibit "B."

The brand styles of the Nova cigarettes Venture intends to import are listed on Exhibit "C." Enclosed with our submissions of April 30, 2007 and May 31, 2007 were the actual production packs and cartons (listed on Exhibit "C") for the brand styles being submitted

showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons Venture will be importing.

Venture imported approximately [REDACTED] cigarettes (all were Archer brand cigarettes) in fiscal year 2006. In fiscal 2007 to date, it has manufactured approximately [REDACTED] cigarettes (all were Archer, Honor, Mirada or Sabre brand cigarettes). Venture anticipates importing approximately [REDACTED] cigarettes of all its brand styles (Nova, Archer, Honor, Mirada or Sabre brand cigarettes) in fiscal year 2007.

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

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

The individual packs of Nova cigarettes to be imported by Venture will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. Venture will keep a running total of the number of cartons and packs it imports with each warning label for each brand style.

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

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

Nothing herein shall be construed to require the import, packaging, distribution or

importation of any cigarette during any period of time. Venture shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to: (1) provide by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) prevent the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

Venture does not have an advertising plan on file for Nova brand cigarettes (or any of its other brands) at the present time. It does not plan to advertise these cigarettes and, therefore, is not filing an advertising plan for these brands, and will not need to comply with the Act's requirements requiring the rotation of warning labels on advertising. If this should change, we will notify the FTC and modify our plan accordingly.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/encs.

04/26/2007 12:11 43097-01

(FAX)

P.002/003



Division of Advertising Practices

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

April 11, 2007

David J. Groesbeck, Esq.  
 422 Legion Building  
 108 North Washington Street  
 Spokane, WA 99201

Dear Mr. Groesbeck:

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 three letters, which constitute a plan, filed on behalf of Venture Wholesale, Inc. ("Venture") on April 9, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Honor, Mirada, and Sabre brands of cigarettes.

Venture's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your October 20, 2006, December 28, 2006, and March 2, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> Venture's plan for packaging for the Honor, Mirada, and Sabre brands is hereby approved for the following twenty-one varieties of each brand: Full Flavor King (hard and soft pack), Full Flavor 100s (hard and soft pack), Light King (hard and soft pack), Light 100s (hard and soft pack), Menthol King (hard and soft pack), Menthol 100s (hard and soft pack), Menthol Light King (hard and soft pack), Menthol Light 100s (hard and soft pack), Ultra Light King (hard and soft pack), Ultra Light 100s (hard and soft pack), and Non-Filter King soft pack. This approval is effective on the date of this letter and ends on April 10, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Venture does decide to advertise in the future, it must submit a plan detailing how it

<sup>1</sup> Although the warnings on some of the packs for the Mirada brand originally submitted were not sufficiently conspicuous, revised samples were submitted. This approval only pertains to packaging that meets the requirements of the Cigarette Act.

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

04/26/2007 12:12 43097-01

(FAX)

P.009/003

David J. Groesbeck, Esq.  
April 11, 2007  
Page 2

will comply with the requirements of the Cigarette Act with respect to display of the health warning statements in advertisements.

You should also be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

*Mary K. Engle*  
Mary K. Engle  
Associate Director



Division of Advertising Practices

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

October 10, 2006

David J. Groesbeck, Esq.  
422 Legion Building  
108 North Washington Street  
Spokane, WA 99201

Dear Mr. Groesbeck:

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 Venture Wholesale, Inc. ("Venture") on October 5, 2006, calling for the simultaneous display of the four health warnings on the packaging of twenty-one varieties of the Archer brand of cigarettes.

Venture's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your July 17 and September 27, 2006 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Venture's plan for packaging is hereby approved for the following twenty-one varieties of the Archer Brand: Full Flavor King (hard and soft pack), Full Flavor 100s (hard and soft pack), Light King (hard and soft pack), Light 100s (hard and soft pack), Menthol King (hard and soft pack), Menthol 100s (hard and soft pack), Menthol Light King (hard and soft pack), Menthol Light 100s (hard and soft pack), Ultra Light King (hard and soft pack), Ultra Light 100s (hard and soft pack), and Non-Filter King soft pack. This approval is effective on the date of this letter and ends on October 9, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Venture does decide 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.

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.

EXHIBIT "B"

David J. Groesbeck, Esq.  
October 10, 2006  
Page 2

You should also be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,



Mary R. Engle  
Associate Director



**EXHIBIT 'C' LIST OF CIGARETTE BRAND STYLES**  
**VENTURE WHOLESALE, INC.**

**NOVA CIGARETTES**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Ultra Lights King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Lights King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box  
Ultra Lights King Size Box  
Menthol King Size Box  
Menthol Lights King Size Box

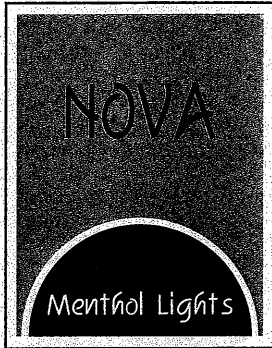
Full Flavor 100's Box  
Lights 100's Box  
Ultra Lights 100's Box  
Menthol 100's Box  
Menthol Lights 100's Box

Selected packaging samples from those  
submitted with the plan.

UNDERAGE  
SALE  
PROHIBITED



Blended with  
Select Premium Tobaccos

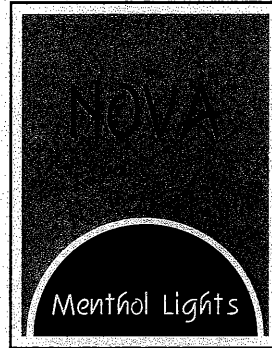


Class A Cigarettes  
American Taste

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



Blended with  
Select Premium Tobaccos



Class A Cigarettes  
American Taste

NOVA

CLASS A  
20  
CIGARETTES

NOVA  
Menthol Lights  
MADE IN INDIA



# NOVA

Non-Filter



KING SOFT

BLENDED WITH SELECT  
PREMIUM TOBACCOS  
AMERICAN TASTE

200 CLASS A CIGARETTES

SOFT

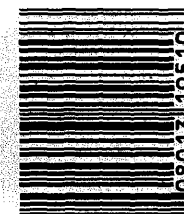
# NOVA

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

Non-Filter

UNDERAGE SALE  
PROHIBITED

MADE IN INDIA



# NOVA



KING SOFT



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

Division of Advertising Practices

June 11, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Venture Wholesale, Inc. ("Venture") on June 6, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Nova brand of cigarettes.

Venture's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your April 30 and May 31, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Venture's plan for packaging for the Nova brand is hereby approved for the following twenty-one varieties: Full Flavor King (hard and soft pack), Full Flavor 100s (hard and soft pack), Light King (hard and soft pack), Light 100s (hard and soft pack), Menthol King (hard and soft pack), Menthol 100s (hard and soft pack), Menthol Light King (hard and soft pack), Menthol Light 100s (hard and soft pack), Ultra Light King (hard and soft pack), Ultra Light 100s (hard and soft pack), and Non-Filter King soft pack. This approval is effective on the date of this letter and ends on June 10, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Venture does decide 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.

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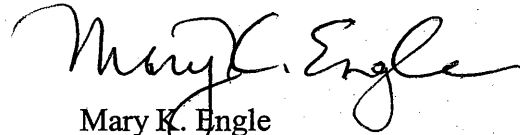
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
June 11, 2007  
Page 2

You should also be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly distinguishable.

Mary K. Engle  
Associate Director



June 11, 2007

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

Re: Rotation Plan for brand 'Cayman'

Dear Ms. Engle

Cheyenne International, LLC is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We manufacture four brands of cigarettes, Cheyenne, Decade, Cayman and 901'Z. The 901'Z brand is on a separately approved rotation plan with an effective date of March 14, 2007; the Cheyenne and Decade brands are on an additional approved rotation plan with an effective date of August 23, 2006. With this letter we are seeking a renewal of our plan for the Cayman brand.

We have 4 styles of Cayman, all in hard box:

Cayman Light Flavor King Box  
Cayman Ultra Light Flavor King Box  
Cayman Menthol Light Flavor King Box  
Cayman Full Flavor King box

In our submissions of June 2, 2006 and December 20, 2006 were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples. Our packaging has not changed since our prior submissions.

The Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one year period beginning on the date of the approval of this plan.

701 S. Battleground Avenue  
Grover, North Carolina 28073

Cheyenne International, LLC also manufactures the Cheyenne, Decade and 901'Z brands. Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand style for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands.

The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

We do not intend to advertise our brand to consumers. If we decide to advertise to consumers, we will submit a plan to the FTC for review and approval before engaging in any consumer advertising.

If you have any questions, please do not hesitate to call me at (704) 937-7200. We appreciate your attention to our plan submission.

Sincerely,



David A. Scott  
Chief Financial Officer



CHEYENNE INTERNATIONAL, LLC  
 (all styles are hard pack, called "box")

			Actual	Anticipated
			Previous	Current
			Fiscal	Rotation
			Year (2006)	Plan Year
Brand	<b>Cheyenne</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Full Flavor 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>Decade</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Full Flavor 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>901'Z</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Menthol 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>Cayman</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Light Flavor King		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand Totals			[REDACTED]	

Approximately [REDACTED] % of all cigarettes sold in the US in 2006

Exhibit I



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

Division of Advertising Practices

June 11, 2007

Mr. David Scott  
Chief Financial Officer  
Cheyenne International, LLC  
701 S. Battleground Avenue  
Grover, NC 28073

Dear Mr. Scott:

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 the revised proposed plan filed by Cheyenne International, LLC ("Cheyenne") on June 11, 2007 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Cayman brand of cigarettes.

Cheyenne's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons included with your letters of June 2 and December 20, 2006 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Cheyenne's plan for packaging is hereby approved for the following four King size hard pack varieties of the Cayman brand: Full Flavor, Light, Ultra Light, and Menthol. This approval is effective on the date of this letter and ends on June 10, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Cheyenne does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

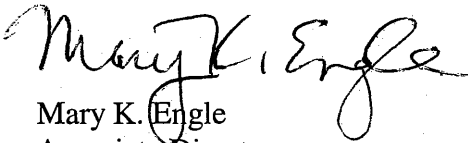
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

David Scott  
June 11, 2007  
Page 2

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

Very truly yours,

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

Mary K. Engle  
Associate Director



## TABACOS USA, INC

PO BOX 3130 · 3815 BETHMAN ROAD · EASTON, PA 18045  
TEL/FAX (610) 515-1875 · MOBILE (610) 428-1690

June 4, 2007

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, D.C. 20001

**RE: Federal Cigarette Labeling and Advertising Act**  
**Manufacturer: Tabacalera del Este, S.A.(TABESA)**  
**Brand: PALERMO -Warning Labels on Packs and Cartons and Rotation**  
**Schedule: New Packaging Subsequent to earlier (2/8/2006) FTC approval**

Dear Ms. Engle:

Tabacos USA, Inc. Inc. has been designated by the above-captioned company, Tabacalera del Este, S.A. (TABESA), as importer for its Palermo brand of cigarettes. Enclosed please find a copy of TTB tobacco importer permit No. PA-TI-15004, dated October 27, 2005, granted in the name of Tabacos USA, Inc.

Applicant is hereby submitting application for FTC approval regarding warning labels on both packs and cartons for its brand *Palermo* in its new packaging design, as well as its rotation schedule.

Enclosed please find "flats" for both packs and cartons for the *Menthol King Size* box brand style for this brand. The identical material was previously submitted to the FTC April 29, 2006 for the *Full Flavor* brand style in 100s box, King Size box, 100s soft pack and King Size soft pack. (See enclosed copy of the cover letter for this earlier submission.)

Please note that applicant, Tabacalera del Este, S.A. (TABESA), will be initially marketing the Palermo brand exclusively in *Full Flavor King Size box* and *Menthol King Size box*. Consequently, applicant is seeking FTC approval for just these two brand styles and only in King Size box. Applicant will make a future application if and when it seeks to expand its brand styles and packaging variation in the US market.

The warning labels will appear exactly as shown on the sample packet and carton "flats" submitted herewith and earlier on the 29<sup>th</sup> of April, 2006.

The rotation schedule for the brand PALERMO will be quarterly as follows:

1st Quarter (Jan.-Mar.): Warning A: SURGEON GENERAL'S WARNING:  
Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate  
Pregnancy.

2<sup>nd</sup> Quarter (April-June): Warning B: SURGEON GENERAL'S WARNING:  
Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

3<sup>rd</sup> Quarter (July-Sept.): Warning C: SURGEON GENERAL'S WARNING:  
Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and  
Low Birth Weight.

4<sup>th</sup> Quarter (Oct.-Dec.): Warning D: SURGEON GENERAL'S WARNING:  
Cigarette Smoke Contains Carbon Monoxide.

Date of manufacture will determine the printing of the warning labels particular to each quarter.

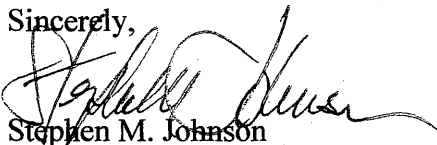
Tabacos USA, Inc. will not be engaging in advertising. Advertising for these products will be conducted by Tabacalera del Este, S.A. (TABESA) which has submitted an advertising plan to the FTC under separate cover and has received FTC approval by letter dated April 27, 2005. A copy of this approval letter is enclosed for ready reference.

Tabacos USA, Inc. will keep records demonstrating compliance with this plan.

Please advise if there is any additional information required to complete Tabacos USA, Inc.'s submission.

Thank you for your attention to this matter.

Sincerely,

  
Stephen M. Johnson  
Director and Secretary

Enclosures

**Selected packaging samples from those  
submitted with the plan.**

20  
CLASS OF CIGARETTES

TOILET FLAVOR

TARESA  
PRODUCT OF  
PARAGUAY



**PALERMO**  
PREMIUM RED

**PALERMO**  
PREMIUM RED

UNDERAGE  
SALE  
PROHIBITED

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

**PALERMO**  
PREMIUM RED

6 A 05 44062-200-02970

**RAITERMO**  
PREMIUM GREEN

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

**M**  
MENTHOL

**RAITERMO**  
PREMIUM GREEN

PREMIUM  
GREEN  
SALE





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

Division of Advertising Practices

June 15, 2007

Mr. Stephen M. Johnson  
Tabacos USA, Inc.  
3815 Bethman Road  
Easton, PA 18045

Dear Mr. Johnson:

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, on February 8, 2006, I approved a plan filed by Tabacos USA, Inc. for the display of the health warnings on the packaging of certain varieties of the Palermo brand of cigarettes. You now propose in a letter dated June 4, 2007 to modify the display of the health warnings on packaging for certain Full Flavor and Menthol varieties of the Palermo brand.

It appears that the health warnings on the redesigned packs and cartons of the Full Flavor 100's (Soft Pack and Box), Full Flavor King (Soft Pack and Box), and Menthol King Box varieties of the Palermo brand submitted with your April 29, 2006 and June 4, 2007 letters continue to meet the size and conspicuousness requirements of the Cigarette Act.

If you have any questions regarding this letter, please contact Aine Farrell at (202) 326-3013.

Very truly yours,

Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

barry@bboren.com

One Datan  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

June 6, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Sallie Schools

Renewal of  
Surgeon General's Warning Rotation Plan for  
U.S. Flue-Cured Tobacco Growers, LLC  
For Fact, Kick, Traffic, Passport and Creston Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, U.S. Flue-Cured Tobacco Growers, LLC ("USFC"), a North Carolina limited liability corporation, with offices located at 250 Crown Blvd., Timberlake, North Carolina 27583. USFC wishes to renew its existing equalization Surgeon General's Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand names "Fact," "Kick," "Traffic," "Passport and "Creston." <sup>1</sup> The contact person for the company will be its Director of Operations, E. Stephen Daniel, who can be reached at the above address.

A copy of the prior FTC approval letter for Traffic, Fact and Kick is attached hereto

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<sup>1</sup> USFC also contract manufactures cigarettes for Wellstone Tobacco Co. (Wellstone brand) and Premier Manufacturing Corp. (Shield, 1<sup>st</sup> Class, Ultrabuy). Both of these manufacturers have their own FTC plans in place for these brands.

as Exhibit "A" and for Creston and Passport as Exhibit "B." <sup>2</sup>

The brand styles of cigarettes USFC intends to manufacture are listed on Exhibits "D," "E," "F," "G" and "H." These are the same brand styles that were listed in their Fact, Kick and Traffic plans which were approved on June 14, 2005 and the Creston and Passport plans which were approved on September 21, 2006.

Actual samples of the Fact, Kick and Traffic packs and cartons for the various brand styles (listed on Exhibits "D," "E" and "F") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Fact, Kick and Traffic brands USFC is manufacturing, were enclosed with the submissions of April 29, 2005, May 9, 2005 and June 8, 2005. None of the packs or cartons have changed since they were submitted.

Actual samples of the Passport packs and cartons for the various brand styles (listed on Exhibit "G") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Passport brand USFC is manufacturing, were enclosed with the submission of August 18, 2005. None of the packs or cartons have changed since they were submitted.

Actual samples of the Creston packs and cartons for the various brand styles (listed on Exhibit "H") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Creston brand USFC is manufacturing, were enclosed with the submission of August 11, 2005. None of the packs or cartons have changed since they were submitted.

USFC manufactured approximately [REDACTED] cigarettes (all were either Traffic, Fact, Kick, Creston, or Passport brand cigarettes) in fiscal year 2006. In fiscal 2007 to date, it has manufactured approximately [REDACTED] cigarettes (all were Traffic, Fact, Kick, Creston, Passport or 1839 brand cigarettes).<sup>3</sup> USFC anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Traffic, Fact, Kick, Creston, Passport and 1839 ) in fiscal year 2007.

No one brand style of cigarettes sold by USFC has, for the past fiscal year, constituted more than 1/4 of 1% of all the cigarettes sold in the United States in such year. and no one brand style will constitute more than 1/4 of 1% of all the cigarettes sold in the

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<sup>2</sup> The FTC also approved a rotation plan for 1839 cigarettes on April 5, 2007, and this approval letter is attached hereto as Exhibit "C."

<sup>3</sup> None of the figures provided include the cigarettes USFC is manufacturing for Wellstone Tobacco Co. and Premier Manufacturing Corp. which are covered under their own FTC plans.

United States in the next fiscal year. In addition, more than one-half of the cigarettes manufactured by USFC for sale in the United States will be packaged into brand styles which meet the requirements of 15 U.S.C. §1333(c)(2)(A)(I).

As a small manufacturer as defined by the Act, USFC wishes to renew its plan to equalize the health warning statements as required by 15 U.S.C. §1333(c) for its Fact, Kick, Traffic, Creston and Passport brands. Each of the four warning statements will appear on the packs and cartons of each brand style of cigarettes manufactured by USFC an equal number of times in the one year period beginning on the date the renewal of this plan is approved.

The individual packs of Fact, Kick, Traffic, Passport and Creston cigarettes to be manufactured by USFC will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will have the proper health warnings printed directly on the cartons by the manufacturer.

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

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

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. USFC shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to ensure that the warnings as they appear on the packs and cartons comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) preventing the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

USFC has an advertising rotation plan in place for its Fact, Kick and Traffic

Ms. Mary K. Engle, Associate Director  
Federal Trade Commission

Page 4  
June 6, 2007

cigarettes which was approved by the FTC on July 14, 2005 (attached hereto as Exhibit "I"). USFC also has an internet advertising rotation plan in place for its Fact, Kick, Traffic, Creston and Passport cigarettes which was approved by the FTC on January 10, 2006 (attached hereto as Exhibit "J").<sup>4</sup> USFC is in compliance with these plans and wishes to make no changes to any of its advertising and internet plans at this time.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN



Barry M. Boren

BMB:mw

enCS. RenewalEqualize

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<sup>4</sup> USFC also has an advertising plan in place for its 1839 brand cigarettes (see Exhibit "C"). USFC is in compliance with this plan.



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

Division of Advertising Practices

June 19, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on June 7, 2006 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Traffic, Fact and Kick brands of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letters of April 29, 2005, May 9, 2005 and June 8, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> USFC's plan for packaging is hereby approved for eleven soft pack varieties of the Traffic brand of cigarettes (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Non-Filter kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s) and ten box varieties of the brand (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s); two box varieties of the Fact brand of cigarettes (Regular kings and Menthol kings); and eleven box varieties of the Kick brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s). This approval is effective on the date of this letter and ends on June 18, 2007. Approval of the plan is contingent on its good faith implementation.

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<sup>1</sup> Although one of the packaging warnings of the Fact brand of cigarettes, submitted with you letter of May 9, 2005 contained a typographical error, revised packaging was submitted with your letter of June 8, 2005. This approval pertains only to the packaging of the Fact brand of cigarettes that complies with the Cigarette Act.

EXHIBIT "A"

Barry M. Boren, Esq.

June 19, 2006

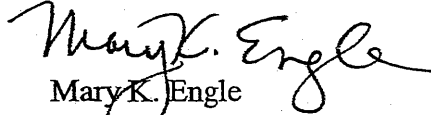
Page 2

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

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,



Mary K. Engle  
Associate Director

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



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

Division of Advertising Practices

September 21, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on September 18, 2006 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Creston and Passport brands of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letters of August 11, 2005 (Creston) and August 18, 2005 (Passport) appear to comply with the requirements of the Cigarette Act for size and conspicuousness. USFC's plan for packaging is hereby approved for eleven soft pack varieties of the Creston brand of cigarettes (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Non-Filter kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s), ten box varieties of the Creston brand (Full Flavor kings, Mild kings, Ultra Mild kings, Menthol kings, Menthol Mild kings, Full Flavor 100s, Mild 100s, Ultra Mild 100s, Menthol 100s, and Menthol Mild 100s), eleven soft pack varieties of the Passport brand of cigarettes (Full Flavor kings, Milds kings, Ultra Milds kings, Menthol kings, Menthol Milds kings, Non-Filter kings, Full Flavor 100s, Milds 100s, Ultra Milds 100s, Menthol 100s, and Menthol Milds 100s) and ten box varieties of the Passport brand (Full Flavor kings, Milds kings, Ultra Milds kings, Menthol kings, Menthol Milds kings, Full Flavor 100s, Milds 100s, Ultra Milds 100s, Menthol 100s, and Menthol Milds 100s). This approval is effective on the date of this letter and ends on September 20, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that

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

EXHIBIT "B"



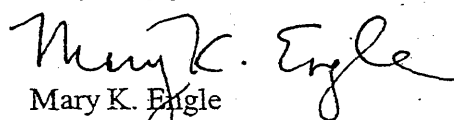
Barry M. Boren, Esq.  
September 21, 2006  
Page 2

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

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

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

Mary K. Egle  
Associate Director



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

Division of Advertising Practices

April 5, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Blvd., Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers Inc. ("USFC"), on February 20, 2007, calling for quarterly rotation of the four health warnings in advertising of the "1839" brand of cigarettes, and for the simultaneous display of the four health warnings on the packaging of twenty-one varieties of that brand.

USFC's plan for the rotation of the warnings in advertising of the 1839 brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith. Your advertising rotational warning plan includes Internet advertising of your cigarettes. This approval of your plan for the rotation of the health warnings in advertising is not a determination as to the legality of advertising cigarettes on the Internet. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Alex Belser at 202-353-3881) to determine whether such advertising on the Internet is permissible.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons submitted with your February 20, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. USFC's plan for packaging is hereby approved for the following twenty one varieties of the 1839 brand: Full Flavor 100s Kings (Soft Pack and Box), Full Flavor Kings (Soft Pack and Box), Light 100s (Soft Pack and Box), Light Kings (Soft Pack and Box), Menthol 100s (Soft Pack and Box), Menthol Kings (Soft Pack and Box), Menthol Light 100s (Soft Pack and Box), Menthol Light Kings (Soft Pack and Box), Ultra Light 100s (Soft Pack and Box), Ultra Light Kings (Soft Pack and Box) and Non-Filter Kings (Soft Pack). This approval is effective on the date of this letter and ends on April 4, 2008. Approval of the plan is

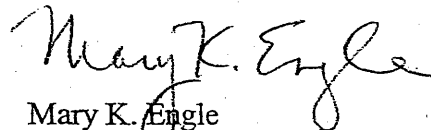
Barry M. Boren, Esq.  
April 5, 2007  
Page 2

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

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS").

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director

---

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

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "D" BRAND STYLES OF CIGARETTES**

**FACT**

Regular King Size Box

Menthol King Size Box

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "E" BRAND STYLES OF CIGARETTES**

**KICK**

Full Flavor King Size Box  
Lights King Size Box  
Ultra Lights King Size Box  
Menthol King Size Box  
Menthol Lights King Size Box  
Non-Filter King Size Box

Full Flavor 100's Box  
Lights 100's Box  
Ultra Lights 100's Box  
Menthol 100's Box  
Menthol Lights 100's Box

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "F" BRAND STYLES OF CIGARETTES**

**TRAFFIC**

Full Flavor King Size Soft Pack  
Mild King Size Soft Pack  
Ultra Mild King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Mild King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor King Size Box  
Mild King Size Box  
Ultra Mild King Size Box  
Menthol King Size Box  
Menthol Mild King Size Box

Full Flavor 100's Soft Pack  
Mild 100's Soft Pack  
Ultra Mild 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Mild 100's Soft Pack

Full Flavor 100's Box  
Mild 100's Box  
Ultra Mild 100's Box  
Menthol 100's Box  
Menthol Mild 100's Box

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "G" BRAND STYLES OF CIGARETTES**

**PASSPORT**

Full Flavor King Size Soft Pack  
Milds King Size Soft Pack  
Ultra Milds King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Milds King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor King Size Box  
Milds King Size Box  
Ultra Milds King Size Box  
Menthol King Size Box  
Menthol Milds King Size Box

Full Flavor 100's Soft Pack  
Milds 100's Soft Pack  
Ultra Milds 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Milds 100's Soft Pack

Full Flavor 100's Box  
Milds 100's Box  
Ultra Milds 100's Box  
Menthol 100's Box  
Menthol Milds 100's Box

**U.S. FLUE-CURED TOBACCO GROWERS INC.**  
**EXHIBIT "H" BRAND STYLES OF CIGARETTES**

**CRESTON**

Full Flavor King Size Soft Pack  
Mild King Size Soft Pack  
Ultra Mild King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Mild King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor King Size Box  
Mild King Size Box  
Ultra Mild King Size Box  
Menthol King Size Box  
Menthol Mild King Size Box

Full Flavor 100's Soft Pack  
Mild 100's Soft Pack  
Ultra Mild 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Mild 100's Soft Pack

Full Flavor 100's Box  
Mild 100's Box  
Ultra Mild 100's Box  
Menthol 100's Box  
Menthol Mild 100's Box





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

Division of Advertising Practices

July 14, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, LLC ("USFC") on July 13, 2005 calling for quarterly rotation of the four health warnings in advertising of the Traffic, Fact and Kick brands of cigarettes on advertisement not exceeding ten square feet.

Your plan for the rotation of the warnings in advertising of the Traffic, Fact and Kick brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

EXHIBIT "I"

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



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

Division of Advertising Practices

January 10, 2006

Barry M. Boren, Esq.  
9350 Financial Center  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

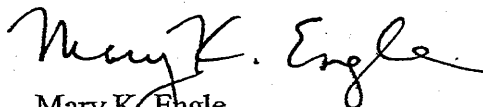
Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I reviewed a revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, LLC ("USFC") dated January 5, 2006, calling for the quarterly rotation of the four health warnings in Internet advertising of the Traffic, Fact, Kick, Creston, and Passport brands of cigarettes.

Your plan for the rotation of the four health warnings in Internet advertising has been approved.<sup>1</sup> Approval of the plan assumes that the plan is implemented in good faith.

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

Very truly yours,

  
Mary K. Engle  
Associate Director

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<sup>1</sup> With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Alex Belser at 202-353-3881) to determine whether such advertising on the Internet is permissible.



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

Division of Advertising Practices

June 21, 2007

Barry M. Boren, Esq.  
One Datan  
9100 S. Dadeland Blvd.  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of U.S. Flue-Cured Tobacco Growers, Inc. ("USFC") on June 6, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Creston, Fact, Kick, Passport, and Traffic brands of cigarettes.

USFC's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the sample packs and cartons submitted with your letters of April 29, May 9, June 8, August 11, and August 18, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> USFC's plan for packaging is hereby approved for the following brand styles:

- twenty-one varieties of the Creston brand, including the Non Filter Kings soft pack variety, and the following soft and hard pack varieties (Full Flavor Kings, Full Flavor 100's, Milds Kings, Milds 100's, Ultra Milds Kings, Ultra Milds 100's, Menthol Kings, Menthol 100's, Menthol Milds Kings, and Menthol Milds 100's);
- two hard pack varieties of the Fact brand (Regular Kings and Menthol Kings);
- eleven hard pack varieties of the Kick brand (Full Flavor Kings, Full Flavor 100's, Light Kings, Light 100's, Ultra Light Kings, Ultra Light 100's, Menthol Kings, Menthol 100's, Menthol Light Kings, Menthol Light 100's, and Non-Filter Kings);

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<sup>1</sup> Although one of the packaging warnings of the Fact brand submitted with your letter of May 9, 2005 contained a typographical error, revised packaging was submitted with your letter of June 8, 2005. This approval pertains only to packaging that complies with the Cigarette Act.

Barry M. Boren, Esq.

June 21, 2007

Page 2

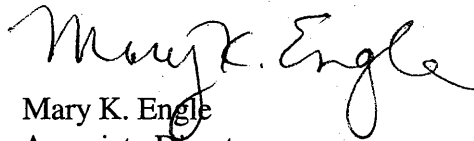
- twenty-one varieties of the Passport brand, including the Non Filter Kings soft pack variety, and the following soft and hard pack varieties (Full Flavor Kings, Full Flavor 100's, Milds Kings, Milds 100's, Ultra Milds Kings, Ultra Milds 100's, Menthol Kings, Menthol 100's, Menthol Milds Kings, and Menthol Milds 100's); and
- twenty-one varieties of the Traffic brand, including the Non Filter Kings soft pack variety, and the following soft and hard pack varieties (Full Flavor Kings, Full Flavor 100's, Mild Kings, Mild 100's, Ultra Mild Kings, Ultra Mild 100's, Menthol Kings, Menthol 100's, Menthol Mild Kings, and Menthol Mild 100's).

This approval is effective on the date of this letter and ends on June 20, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,



Mary K. Engle  
Associate Director

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

**O'CONNOR & HANNAN, L.L.P.**  
ATTORNEYS AT LAW

CRAIG A. KOENIGS  
(202) 887-1468  
CK.KOENIGS@OCONNORHANNAN.COM

SUITE 500  
1666 K STREET, N.W.  
WASHINGTON, D.C. 20006-2803  
(202) 887-1400  
FAX (202) 466-2198

June 14, 2007

**VIA FEDERAL EXPRESS**

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

**Re: European Cigarette Imports, Inc. / Bracar Brand**

Dear Ms. Engle:

On behalf of **European Cigarette Imports, Inc. ("ECI")**, 149 Center Grove Road, Randolph, New Jersey 07869, whose President is George E. Petrides, we hereby submit this label statement rotation plan (the "Plan") for renewal by the Federal Trade Commission ("FTC") for the **Bracar** brand of cigarettes imported by ECI. The original plan was approved by the FTC on July 3, 2003, with supplements to the plan approved on November 13, 2003 and June 28, 2004, and a consolidated plan approved on June 28, 2004.

**I. Background**

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), importers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. §1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

ECI intends to continue to import the Bracar brand of cigarettes into the United States in twenty-six (26) brand styles. (See Schedule A, attached hereto). This Plan sets forth the manner in which ECI will comply with the warning label requirements of the Act.

Ms. Mary K. Engle  
June 14, 2007  
Page 2

## II. Packaging

A. Beginning on the **Effective Date**,<sup>1</sup> the following label statements required by 15 U.S.C. §1333(a)(1), shall be displayed on the packs and cartons of the Bracar brand styles imported by ECI:

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

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

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

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

B. ECI intends to utilize the label statement rotation option provided by 15 U.S.C. §1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the Bracar brand styles it imports. ECI will ensure equal use of the warning label statements by requiring that each page of labels printed is equally divided using the four (4) different warning labels. Therefore, the packs and cartons simultaneously will be printed and distributed using all four (4) warning labels. Accordingly, ECI shall maintain records accounting for the number of packs and cartons using each warning label for every production run. ECI will equalize the use of the four (4) warning labels on the packs and cartons of all twenty-six (26) Bracar brand styles for the one year period beginning on the date of renewal of the Plan.

The approximate annual sales volume for fiscal year 2006 (May 1, 2006 – April 30, 2007) for the Bracar brand styles is set forth in Schedule A. ECI also imports the GR, Marathon, Mond International, Nova, Primo and Rodeo brands of cigarettes. For fiscal year 2006, ECI's sales of any one brand style of Bracar, GR, Marathon, Mond International, Nova, Primo, and Rodeo cigarettes it imported did not exceed [REDACTED] sticks. Further, ECI does not anticipate that the sales volume for any one brand style of cigarettes it imports for the one year period beginning on the Effective Date shall exceed [REDACTED] sticks.

The label statements required by 15 U.S.C. §1333(a)(1), shall be printed on the packaging in the country of origin prior to ECI's importation of the cigarettes into the United States. The warning labels will appear on the packs and cartons of the Bracar brand cigarettes exactly as they appeared on the specimens submitted with the original plan and the respective supplements.

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<sup>1</sup> The Effective Date of the Plan shall be the date the Plan is renewed by the FTC.

Ms. Mary K. Engle  
June 14, 2007  
Page 3

**III. Advertising**

ECI currently has an approved advertising plan in place and continues to be in compliance with that plan. Any advertising of the Bracar brand shall be conducted in accordance with ECI's approved advertising plan.

**IV. Miscellaneous**

A. ECI shall be deemed to have satisfied its responsibilities under this Plan if it has taken reasonable steps: (1) to provide, by written contract or the giving of clear instructions or otherwise, for rotation of the label statements required by the Act in accordance with the pertinent provisions of this Plan; (2) when appropriate, to furnish materials for the production of cigarette packages or advertising materials bearing the label statement(s) required by the pertinent provisions of this Plan; and (3) to prevent the recurrence of any mistakes, errors or omissions that have come to its attention.

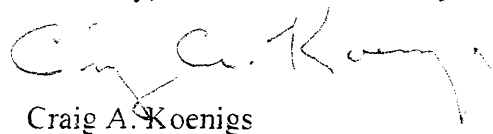
B. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

C. No provision of this Plan constitutes or shall be construed as an admission by ECI (1) that the Government of the United States has the authority to require the inclusion on any cigarette package or in any cigarette advertisement of a statement or statements concerning any alleged relationship between smoking or health or (2) that the label statements required by the Act are necessary or correct.

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

If you have any further questions regarding the Plan, please do not hesitate to contact me. As always, your prompt attention and assistance are greatly appreciated.

Sincerely,



Craig A. Koenigs

CAK/jkc  
Enclosure

**SCHEDULE A**

The following is a list of the Bracar brand styles that ECI imports and the approximate annual sales volume in sticks for fiscal year 2006 for each brand style:

<b><u>Brand</u></b>	<b><u>Size</u></b>	<b><u>Brand Style</u></b>	<b><u>Sales Volume</u></b>
<b><u>Bracar</u></b>	Kings Box	Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]
	Kings Soft	Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]
	100's Box	Non-Filter	[REDACTED]
		Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
	100's Soft	Menthol Lights	[REDACTED]
		Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]



120's Soft

Full Flavor



Lights



Ultra Lights



Menthol



Menthol Lights



O'CONNOR & HANNAN, L.L.P.  
ATTORNEYS AT LAW

CRAIG A. KOENIGS  
(202) 867-1468  
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WASHINGTON, D.C. 20006-2803  
(202) 867-1400  
FAX (202) 466-2198

June 14, 2007

**VIA FEDERAL EXPRESS**

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

**RE: European Cigarette Imports, Inc. / Rodeo Brand**

Dear Ms. Engle:

On behalf of **European Cigarette Imports, Inc. ("ECI")**, 149 Center Grove Road, Randolph, New Jersey 07869, whose President is George E. Petrides, we hereby submit this label statement rotation plan (the "Plan") for renewal by the Federal Trade Commission ("FTC") for the **Rodeo** brand of cigarettes imported by ECI. The original plan was approved by the FTC on March 18, 2002, with supplements to the plan approved on May 8, 2002, July 15, 2002, August 2, 2002, October 30, 2002 and June 20, 2003, and a consolidated plan approved on June 20, 2003. A subsequent supplement to the consolidated plan was approved on June 17, 2004.

**I. Background**

Pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), importers of cigarettes are required to submit a label statement rotation plan to the FTC for approval. 15 U.S.C. § 1333(c). Section 1333(a) sets forth the wording of the warning labels required for all packaging and advertising of cigarettes sold, distributed, or advertised in the United States. Section 1333(b)(1) provides the placement and size requirements for the warning labels on cigarette packaging. Section 1333(b)(2) sets forth the requirements for warnings in advertisements, except for outdoor billboards, which are covered in Section 1333(b)(3).

Ms. Mary K. Engle  
June 14, 2007  
Page 2

ECI intends to continue to import the Rodeo brand of cigarettes into the United States in twenty-four (24) brand styles. (See Schedule A, attached hereto). This Plan sets forth the manner in which ECI will comply with the warning label requirements of the Act.

## II. Packaging

A. Beginning on the **Effective Date**,<sup>1</sup> the following label statements required by 15 U.S.C. § 1333(a)(1), shall be displayed on the packs and cartons of the Rodeo brand styles imported by ECI:

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

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

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

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

B. ECI intends to utilize the label statement rotation option provided by 15 U.S.C. § 1333(c)(2), to display the four warnings an equal number of times on the packs and cartons of each of the Rodeo brand styles it imports. ECI will ensure equal use of the warning label statements by requiring that each page of labels printed is equally divided using the four (4) different warning labels. Therefore, the packs and cartons simultaneously will be printed and distributed using all four (4) warning labels. Accordingly, ECI shall maintain records accounting for the number of packs and cartons using each warning label for every production run. ECI will equalize the use of the four (4) warning labels on the packs and cartons of all twenty-four (24) Rodeo brand styles for the one year period beginning on the date of renewal of the Plan.

The approximate annual sales volume for fiscal year 2006 (May 1, 2006 – April 30, 2007) for the Rodeo brand styles is set forth in Schedule A. ECI also imports the Bracar, GR, Marathon, Mond International, Nova and Primo brands of cigarettes. For fiscal year 2006, ECI's sales of any one brand style of Rodeo, Bracar, GR, Marathon, Mond International, Nova and Primo cigarettes it imported did not exceed [REDACTED] sticks. Further, ECI does not anticipate that the sales volume for any one brand style of cigarettes it imports for the one year period beginning on the Effective Date shall exceed [REDACTED] sticks.

The label statements required by 15 U.S.C. § 1333(a)(1), shall be printed on the packaging in the country of origin prior to ECI's importation of the cigarettes into the United States. The warning labels will appear on the packs and cartons of the Rodeo brand cigarettes

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<sup>1</sup> The Effective Date of the Plan shall be the date the Plan is renewed by the FTC.

Ms. Mary K. Engle  
June 14, 2007  
Page 3

exactly as they appeared on the specimens submitted with the original plan and the respective supplements.

**III. Advertising**

ECI currently has an approved advertising plan in place and continues to be in compliance with that plan. Any advertising of the Rodeo brand shall be conducted in accordance with ECI's approved advertising plan.

**IV. Miscellaneous**

A. ECI shall be deemed to have satisfied its responsibilities under this Plan, if it has taken reasonable steps: (1) to provide, by written contract or the giving of clear instructions or otherwise, for rotation of the label statements required by the Act in accordance with the pertinent provisions of this Plan; (2) when appropriate, to furnish materials for the production of cigarette packages or advertising materials bearing the label statement(s) required by the pertinent provisions of this Plan; and (3) to prevent the recurrence of any mistakes, errors or omissions that have come to its attention.

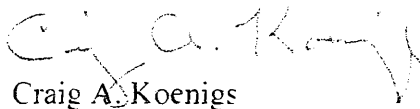
B. Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarettes during any period of time.

C. No provision of this Plan constitutes or shall be construed as an admission by ECI (1) that the Government of the United States has the authority to require the inclusion on any cigarette package or in any cigarette advertisement of a statement or statements concerning any alleged relationship between smoking or health or (2) that the label statements required by the Act are necessary or correct.

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

If you have any further questions regarding the Plan, please do not hesitate to contact me. As always, your prompt attention and assistance are greatly appreciated.

Sincerely,

  
Craig A. Koenigs

CAK/jkc  
Enclosure

**SCHEDULE A**

The following is a list of the Rodeo brand styles that ECI imports and the approximate annual sales volume in sticks for fiscal year 2006 for each brand style.

<b><u>Brand</u></b>	<b><u>Packaging</u></b>	<b><u>Brand Style</u></b>	<b><u>Sales Volume</u></b>
<b><u>Rodeo</u></b>	Kings Box	Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]
	Kings Soft	Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]
		Non-Filter	[REDACTED]
	100's Box	Full Flavor	[REDACTED]
		Lights	[REDACTED]
		Ultra Lights	[REDACTED]
		Menthol	[REDACTED]
		Menthol Lights	[REDACTED]
	100's Soft	Full Flavor	[REDACTED]
		Lights	[REDACTED]

Ultra Lights



Menthol



Menthol Lights



120's Soft

Lights



Ultra Lights



Menthol Lights





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

Division of Advertising Practices

June 21, 2007

Craig A. Koenigs, Esq.  
O'Connor & Hannan, LLP  
Suite 500  
1666 K Street, NW  
Washington, D.C. 20006-2803

Dear Mr. Koenigs:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed two letters, which constitute a plan, filed on behalf of European Cigarette Imports, Inc. ("ECI") on June 14, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Bracar and Rodeo brands of cigarettes.

ECI's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons of the Bracar brand submitted with your June 27 and November 12, 2003 letters, and of the Rodeo brand submitted with your March 13, April 26, July 12, and July 24, 2002 and May 16, 2003 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. ECI's plan for packaging of the Bracar brand is hereby approved for sixteen soft pack varieties (Full Flavor King, Lights King, Ultra Lights King, Menthol King, Menthol Lights King, Non-Filter King, Full Flavor 100's, Lights 100's, Ultra Lights 100's, Menthol 100's, Menthol Lights 100's, Full Flavor 120's, Lights 120's, Ultra Lights 120's, Menthol 120's, and Menthol Lights 120's) and for ten hard pack varieties (Full Flavor King, Lights King, Ultra Lights King, Menthol King, Menthol Lights King, Full Flavor 100's, Light 100's, Ultra Lights 100's, Menthol 100's, Menthol Lights 100's). ECI's plan for the packaging of the Rodeo brand is hereby approved for fourteen soft pack varieties (Full Flavor King, Lights King, Ultra Lights King, Menthol King, Menthol Lights King, Non-Filter King, Full Flavor 100's, Lights 100's, Ultra Lights 100's, Menthol 100's, Menthol Lights 100's, Lights 120's, Ultra Lights 120's, and Menthol Lights 120's) and for ten hard pack varieties (Full Flavor King, Lights King, Ultra Lights King, Menthol King, Menthol Lights King, Full Flavor 100's, Light 100's, Ultra Lights 100's, Menthol 100's, Menthol Lights 100's). This approval is effective on the date of this letter and ends on June 20, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper

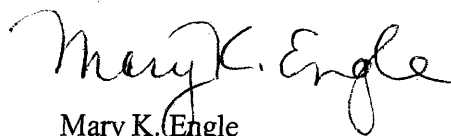
Craig A. Koenigs, Esq.  
June 21, 2007  
Page 2

implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,



Mary K. Engle  
Associate Director

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



LAW OFFICES OF  
**FINGER, PARKER, BROWN & ROEMER, L.L.P.**  
204 NORTHGATE PARK DRIVE  
WINSTON-SALEM, NORTH CAROLINA 27106

M. NEIL FINGER  
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JONESVILLE, N. C. 28642  
(336) 835-4000

*Writer's Direct Dial:*  
(336) 759-0955

June 18, 2007

**Via Fax (202-326-3259 - 2 pages) and FedEx**

Mr. Michael Ostheimer  
and/or Ms. Sallie Schools  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
3<sup>rd</sup> Floor, Room NJ-3212  
Washington, DC 20001

**Re: *Request for Renewal of Approved Warning Statement Rotation Plan for the brand DJARUM (international-size, hard-pack styles: Bali Hai, Black, Lights, Special, Special Lights, Splash, Super, Cherry, Vanilla, Original, and Menthol)***

Dear Mr. Ostheimer and Ms. Schools:

I am writing this letter on behalf of Kretek International, Inc. ("Kretek").

In a letter from Mary Engle dated June 26, 2006, the Federal Trade Commission approved a certain health warning rotation plan filed on behalf of Kretek (the "Existing Plan").

It is our desire to renew the Existing Plan for an additional year (the "Renewed Plan"). The Existing Plan (which we are herewith seeking to renew and extend) calls for equalizing the use of the warnings for Djarum brand cigarettes (king-size, hard-pack styles: Bali Hai, Black, Lights, Special, Special Lights, Splash, Super, Cherry, Vanilla, Original, and Menthol) imported by Kretek. Kretek's address is 5449 Endeavour Court, Moorpark, CA 93021. Although the Existing Plan described the products as "king-size" they are more properly described as "international-size", and the Renewed Plan has been hereby corrected accordingly.

The company official responsible for overseeing this matter is Sean Cassar, whose title is Vice President and Director of Marketing. Mr. Cassar's telephone number is 805-531-8888.

Mr. Michael Ostheimer  
and/or Ms. Sallie Schools  
June 18, 2007  
Page 2

As provided for by Section 1333(c)(2) of the Cigarette Labeling and Advertising Act (the "Act"), Kretek qualifies for a renewal of the so-called equalization alternative because during fiscal year 2006 (1) each of the brand styles of all of the cigarettes manufactured or imported by Kretek accounted for less than [REDACTED] sticks, and (2) the number of each style of Djarum cigarettes (international-size, hard-pack styles: Bali Hai, Black, Lights, Special, Special Lights, Splash, Super, Cherry, Vanilla, Original, and Menthol) sold by Kretek was less than [REDACTED] sticks.

Kretek anticipates its sales for fiscal year 2007 for any one brand style it manufactures or imports will not exceed [REDACTED] sticks.

Kretek will display the four warnings specified in the Act an equal number of times on the packages and cartons of every brand style for the Djarum brand for the one-year period beginning upon the date of the approval of the Renewed Plan.


Moreover, the warning statements will continue to appear exactly as shown on the samples of the packs and cartons submitted with my letter to you in connection with the Existing Plan dated June 16, 2006.

So as to prevent future mistakes, Kretek agrees to inspect each incoming shipment that it receives so as to make sure that the supplier has placed the correct warning statements on the products, that such statements are ones called for under the Renewed Plan, and to maintain records to demonstrate compliance of such inspections and actions taken in the event that incorrect warning statements are received.

This application for a renewal of an equalization plan is not intended to vary or alter the consumer advertising plan previously approved by the Federal Trade Commission for the Djarum brand and styles listed on the previously approved advertising plan.

Thank you for your courtesy and cooperation.

Sincerely,

  
Henry C. Roemer, III

HCRiii/mhr

cc: Kretek International, Inc.



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

Division of Advertising Practices

June 19, 2007

Henry C. Roemer, III, Esq.  
Finger, Parker, Brown, and Roemer, LLP  
204 Northgate Park Drive  
Winston-Salem, NC 27106

Dear Mr. Roemer:

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 Kretek International, Inc. (“Kretek”) on June 18, 2007, calling for the simultaneous display of the four health warnings on the packaging of eleven “International” hard pack varieties of the Djarum brand of cigarettes.

Kretek’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your June 16, 2006 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Kretek’s plan for the display of the four health warnings on packaging is hereby approved for the following eleven International hard pack varieties of the Djarum brand: Bali Hai, Black, Cherry, Lights, Menthol, Original, Special, Special Lights, Splash, Super, and Vanilla. This approval is effective on the date of this letter and ends on June 18, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes. Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

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

Henry C. Roemer, III, Esq.

June 19, 2007

Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. Engle". The signature is written in a cursive style with a large, stylized initial "M".

Mary K. Engle  
Associate Director

**NATIONAL TOBACCO COMPANY, L.P.**  
**LABEL STATEMENT ROTATION PLAN**

National Tobacco Company, L.P., a Delaware Limited Partnership (Company), submits this proposed Label Statement Rotation Plan (Plan) to the Federal Trade Commission pursuant to Section 1333 of The Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 *et seq.* (Cigarette Act). The Company's address is 3029 Muhammad Ali Boulevard, P.O. Box 32980, Louisville, Kentucky 40232-2980, with the cigarettes being manufactured at the Frankfort, Kentucky facility. The President of National Tobacco Company, L.P. is Lawrence P. Wexler.

(1) Introduction.

The Company is a wholly-owned subsidiary of North Atlantic Trading Company, Inc., a Delaware Corporation (NATC). National Tobacco Company, L.P. manufactures and sells cigarettes under the Zig-Zag brand name, namely Zig Zag Full Flavor, Zig Zag Lights, Zig Zag Menthol and Zig Zag Menthol Lights, with Zig Zag Full Flavor being the likely largest-selling brand style, with [REDACTED] sticks being produced. Zig-Zag is the only brand of cigarettes that National Tobacco Company sells and it sold [REDACTED] cigarettes in 2006, our fiscal year. The cigarettes are produced in a hard-pack box of king-size sticks.

(2) Exemption Request.

Based on projections, the Company anticipates that it will sell approximately [REDACTED] Zig-Zag cigarette sticks during the year covered by the plan approval.

Inasmuch as one quarter of one percent of the total cigarette units sold in the United States in 2006 is approximately nine hundred and twenty-seven million, five-hundred thousand sticks, it is anticipated that the Zig-Zag cigarette brand styles will be below the .25 percent threshold level and the Company should qualify for the Section 1333(c)(2) exemption.

(3) Definitions.

(1) All definitions of terms set out in the Cigarette Act are incorporated herein.

(2) Warning Labels refer to the four Warning Labels, required by Section 1333(a)(1) of the Cigarette Act to be displayed upon cigarette packs and by Section 1333(a)(2) of the Cigarette Act to be displayed upon cigarette advertisements and further, includes all requirements set forth in Section 1333(b) of the Cigarette Act in respect of the size, type form, format and clarity, conspicuousness, and location of such Warning Labels.

(4) Pack and Carton Labeling under Section 1333(a)(1) of the Cigarette Act.

(a) Overall Method of Compliance in respect of Cigarette Packs and Cartons.

For purposes of compliance with Section 1333(a)(1) of the Cigarette Act and in reliance upon its proposed exemption under Section 1333(c)(2) of the Cigarette Act, the Company shall adopt printing and packaging methods which will assure that each of the four Warning Labels will be displayed upon 25% of the cigarette packs and 25% of the pack cartons with respect to each brand style produced by the Company within the one-year period covered by this Plan. The Company will maintain records documenting the even distribution of the four Warning Labels as detailed in this Plan. The warnings will appear an equal number of times on the packs and cartons of the Zig-Zag brand cigarettes over the one-year period covered by the plan approval.

The Company's proposed printing and manufacturing processes is designed to eliminate any possibility that the Company could selectively skew the distribution of labels (assuming that the Company believed that one label was more desirable than another) in favor of displaying any one label with greater frequency than another.

(i) Cigarette Packs and Carton Printing and Manufacture.

The Company's approach to compliance with the requirement of equal distribution of each of the four Warning Labels on cartons and packs for each brand styles is twofold. First, for each brand style, pack and carton flats on each pallet delivered to the Company by the Company's printer will be printed with an even distribution of two of the Warning Labels, and each of those pallets will be marked either "A/B" or "C/D." Each of A, B, C and D represent one of the four respective Warning Labels, such that "A/B" designates that the pack flats or carton flats on the pallet contain an even distribution of two separate Warning Labels and "C/D" designates that the pack flats or carton flats on the pallet contain an even distribution of two different and separate Warning Labels. The Company's printer will always deliver to the Company an equal number of "A/B" pallets and "C/D" pallets for each brand style.

Second, at the packing site, the production manager will ensure that on "A/B" pallet and one "C/D" pallet for each brand style are present on the production floor at all times. Pack flats and carton flats will be circulated from each of the "A/B" pallet and the "C/D" pallet to the packaging machines in equal numbers each day. For example, if in one day forty carton flats are pulled from the "A/B" carton pallet then forty carton flats will also be pulled from the "C/D" carton pallet. Similarly, if in one day forty pack flats are pulled from the "A/B" pack pallet then forty package flats will also be pulled from the "C/D" pack pallet. Neither the "A/B" pallet nor the "C/D" pallet will be removed from the production floor until both such pallets are devoid of packaging flats. Packing operators will also be instructed and monitored to ensure that an even 25% distribution of the four Warning Labels is maintained in the packing process.

National Tobacco Company will maintain records of each of the health warnings on the packs and cartons used for each brand style. If at the end of the year, the warnings are not equalized, we will take steps to ensure that the warnings are equalized.

Using these methods, the Company will equalize the four Warning Labels on packs and cartons for each brand style during the one-year period beginning on the date of the approval of this Plan.

(ii) Sample Cartons and Packs.

The Company has submitted for review by the Commission samples of packs and cartons bearing each of four Warning Labels with respect to both Zig-Zag premium cigarette brand styles (the Packaging Samples). The four Warning Labels will appear on packs and cartons distributed to consumers exactly as they appear on the Packaging Samples submitted with a letter dated June 26, 2006.

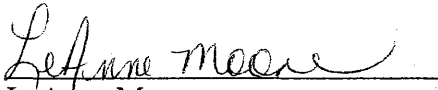
(5) Warning Label Displays under Section 1333(a)(2) of the Cigarette Act.

National Tobacco continues to be in compliance with its June 28, 2006, plan for advertising its cigarettes.

The Company does not intend to employ internet advertising. Prior to employment of any internet advertising, the Company will submit to the Commission any required materials and a supplement or amendment to this Plan.

Respectfully Submitted,

NATIONAL TOBACCO COMPANY, L.P.

  
LeAnne Moore  
Assistant General Counsel

Dated June 27, 2007.



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

Division of Advertising Practices

July 2, 2007

LeAnne Moore, Esq.  
National Tobacco Company, L.P.  
3029 Muhammad Ali Boulevard  
P.O. Box 32980  
Louisville, KY 40232-2980

Dear Ms. Moore:

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 National Tobacco Company, L.P. ("National Tobacco") on June 27, 2007, calling for the simultaneous display of the four health warnings on the packaging of four hard pack varieties of the Zig-Zag brand of cigarettes.

National Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons of the Zig-Zag brand submitted with your June 26, 2006 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. National Tobacco's plan for packaging of the Zig-Zag brand is hereby approved for the following four hard pack varieties: Full Flavor king, Lights king, Menthol king, and Menthol Lights king. This approval is effective on the date of this letter and ends on July 1, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

Mary K. Egle  
Associate Director

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



# Winner Co.

763 Kasota Ave. SE. Minneapolis, MN 55414

Monday, June 18, 2007

Mrs. Mary K. Engle  
Associate Director  
Division of Advertising Practice  
Federal Trade Commission  
601 New Jersey Av., Room NJ3212  
Washington, DC 20580

Re: Cigarette Health Warning Rotation Plan renewal.

Dear Mrs. Engle:

Winner Company is submitting a renewal Cigarette Health Warning Plan (the "plan"), as required under the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331, et seq. ("the Cigarette Act"). The cigarettes covered by the proposed plan are "Winner" brand.

The company will be importing nine brand styles of "Winner" cigarettes: full flavor king box, full flavor 100's box, lights king box, lights 100's box, menthol full flavor king box, menthol full flavor 100's box, menthol lights 100's box, ultra lights 100's box and non filter king soft.

All of the brand styles to be imported by the company under the plan qualify for the alternative to quarterly rotation set forth in 15 U.S.C. 1333(C)(2). The company imported during the previous year plan less than [REDACTED] sticks of cigarettes of all brand styles, and anticipates that during the one year period covered by this renewal plan it will not import more than [REDACTED] sticks of cigarettes of any one-brand style.

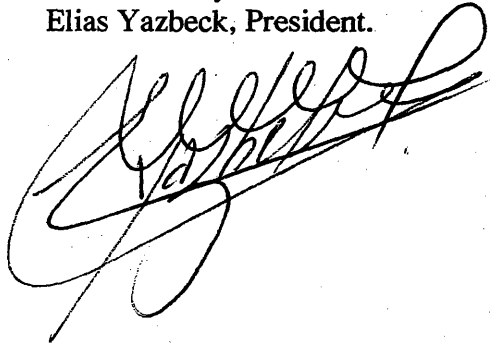
Under the alternative method for rotating the warnings on packaging, set forth in 15 U.S.C. 1333(c) (2)(c), the company assures that each of the four health warnings specified in 15 U.S.C. 1333(a)(1) will appear on the packaging, both packs and cartons, of each brand style an equal number of times during the year exactly as they appear on the sample packs and cartons submitted with my letters dated January 22<sup>nd</sup> 2002 and May 09<sup>th</sup> 2002, and will keep records demonstrating compliance with this undertaking. The four health warnings are printed in white lettering on dark background.

All of the "Winner" cigarettes covered by this plan will be sold in their original packaging. All of the individual packs and cartons of cigarettes bear the statutorily mandated health warnings in a manner that complies with the Cigarette Act. All four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style the company is importing. In order to assure that the four warnings specified in the Cigarette Act appear on the individual packs and cartons of each brand style an equal number of times during the year, the manufacturer will print packs on sheets, containing 16 packs each, in a row of 4. Because of this, it is very easy to arrange the printing machine so that each row of packs is printed with a different Health Warning. That way, it is certain that no matter how many sheets of packs are printed of the same style, the 4 Health Warnings will be evenly distributed among them. It is a similar case with the cartons for the packs. Instead of being printed on sheets of 16, cartons are printed 4 per sheet, giving us one of each Health Warning on each printed sheet. During the year, the company will maintain a log for each brand style of cigarette to determine if the cigarettes it has imported had an equal number of the 4 Health Warnings on the packs and cartons of each brand style.

The company will not be advertising the cigarettes imported under this plan and therefore is not submitting a plan for the rotation of the health warnings in advertising.

The company will keep records to demonstrate compliance with this plan. These records will be maintained at 763 Kasota Avenue SE. Minneapolis Minnesota, and the person responsible for maintaining these records will be Elias Yazbeck.

Sincerely,  
Elias Yazbeck, President.

A handwritten signature in black ink, appearing to read 'Elias Yazbeck', written over a horizontal line.



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

Division of Advertising Practices

July 6, 2007

Mr. Elias Yazbeck  
President  
Winner Company  
763 Kasota Ave., SE  
Minneapolis, MN 55414

Dear Mr. Yazbeck:

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 proposed plan filed by the Winner Company on June 18, 2007 calling for the simultaneous display of the four health warnings on the packaging of nine varieties of the Winner brand of cigarettes.

Winner's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons of the Winner brand submitted with your January 22 and May 9, 2002 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Winner's plan for the Winner brand is hereby approved for the Non Filter Kings soft pack variety, and for the following hard pack varieties: Full Flavor Kings, Full Flavor 100's, Lights Kings, Lights 100's, Menthol Kings, Menthol 100's, Ultra Lights 100's, and Menthol Lights 100's. This approval is effective on the date of this letter and ends on July 5, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Winner does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the

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

Mr. Elias Yazbeck

July 6, 2007

Page 2

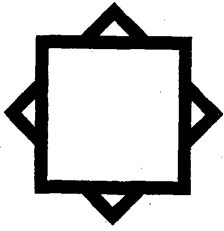
ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

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

Mary K. Engle  
Associate Director



# DHANRAJ IMPORTS, INC.

The Tobacco Co.

Date: July 05, 2007

VIA UPS Overnight

Ms. Aine Farrell  
Bureau of Consumer Protection  
Division of Advertising Practices  
Federal Trade Commission  
Mail Drop NJ - 3212  
Sixth and Pennsylvania Avenue, N.W.  
Washington, D.C.20580  
Tel: 202-326-3013 Fax: 202-326-3259

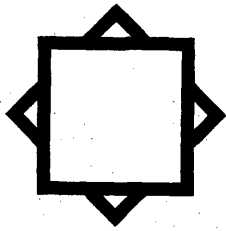
RE: Dhanraj Imports, Inc. –  
Zanzibar® Cigarettes Princess and Princess- 24 Carat Cigarette Labeling Rotation  
Pursuant to 15 U.S.C. § 1333 (c) (2)

Dear Ms. Aine Farrell:

This is an application pursuant to 15 U.S.C. § 1333 (c) (2) for approval to expand Dhanraj Imports, Inc.'s ("Dhanraj") current Health Warning Rotation plan for the Zanzibar® brand to include two additional brand styles for its Zanzibar® Cigarettes Princess International Hard Pack and Princess- 24 Carat International Hard Pack brand style cigarettes in packaging style of five packs per cube or display carton each to contain 100 Class A Cigarettes. Dhanraj's address is 11731 Sterling Avenue, Suite F, Riverside, CA, 92503.

Dhanraj will maintain records demonstrating its compliance with this plan. The rotation plan for Zanzibar® Cigarettes Princess and Princess- 24 Carat brand style will be identical to the rotation plan for the other Zanzibar® Cigarettes brand styles submitted and approved by your office as evidenced by its letter dated November 25, 2002 for Zanzibar® Classic Clove and Lights Clove brand style. Dhanraj added to Zanzibar® Cigarettes brand style Xtreme Clove brand style as evidenced by your office letter dated May 31, 2006. Dhanraj added to Zanzibar® Cigarettes brand style Ultimate, Crossfire and Lights style evidenced by your office letter dated January 10, 2007. Dhanraj further added to Zanzibar® Cigarettes brand style Cherry, Vanilla, Chardonnay, Zanzilatté-Café Latté and Zanzitwist- Citrus style evidenced by your office letter dated May 09, 2007. Following is a chart showing the current rotation plans for the Zanzibar® brand and all other brands of cigarettes sold by Dhanraj. The four health warnings will be rotated based upon the date of order of packs and cubes or display cartons. The warnings will appear exactly as shown on the samples provided with our letter dated June 19, 2007.

Continued Page-2



# DHANRAJ IMPORTS, INC.

The Tobacco Co.

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Quarter	Months	10/20's	Silky Dew	Connect	Zanzibar	Castle	Rook	Marks	Dhyan
1 <sup>st</sup>	Jan- March	A	B	C	B	D	A	B	C
2 <sup>nd</sup>	Apr- June	B	C	D	C	A	B	C	D
3 <sup>rd</sup>	July- Sept	C	D	A	D	B	C	D	A
4 <sup>th</sup>	Oct- Dec	D	A	B	A	C	D	A	B

Quarter	Months	Lady Bloom-120's	Ms. CEO 120'S	DD Select					
1 <sup>st</sup>	Jan- March	D	A	B					
2 <sup>nd</sup>	Apr- June	A	B	C					
3 <sup>rd</sup>	July- Sept	B	C	D					
4 <sup>th</sup>	Oct- Dec	C	D	A					

The HEALTH WARNINGS are as follow,

**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:**

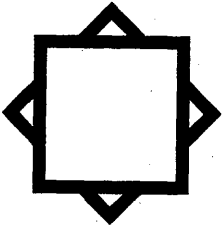
Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

**D.**

**SURGEON GENERAL'S WARNING:**

Cigarette Smoke Contains Carbon Monoxide.

Continued Page-3



# DHANRAJ IMPORTS, INC.

The Tobacco Co.

Page 3

Dhanraj's fiscal year is the calendar year.

Please note that FTC has approved a quarterly rotation plan for health warnings on advertising materials for Zanzibar brand as evidenced by its letter dated September 15, 2004.

We will be pleased to assist any of your requirements in the matter.

With Regards,

S.B.Patel  
**President**

**Selected packaging samples from those  
submitted with the plan.**



MADE IN THE U.S.A.  
100% TOBACCO  
100% TOBACCO



Princess

Princess

Princess

Princess

Princess



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

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

*Princess*



*Princess*

100 Class A Cigarettes

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

PRINCESS

-by *Shany*-

20

Underage  
Sale  
Prohibited

  
**ZANZIBAR**  
 **The Best Choice**

20 Class A Cigarettes  
Imported by:  
Dharmal Imports, Inc. CA-USA  
MADE IN INDONESIA



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

100 Class A Cigarettes



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

Division of Advertising Practices

July 9, 2007

Mr. Sanjay B. Patel  
President  
Dhanraj Imports, Inc.  
11731 Sterling Ave. Suite F  
Riverside, CA 92503

Dear Mr. Patel:

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, on November 25, 2002, I approved a plan filed on behalf of Dhanraj Imports, Inc. ("Dhanraj") calling for quarterly rotation of the four health warnings in advertising and on the packaging of certain varieties of the Zanzibar brand of cigarettes. In a letter dated July 5, 2007, you propose to expand Dhanraj's plan for the display of the warnings on packaging to include two additional international hard pack varieties of the Zanzibar brand.

The warnings on the sample cartons submitted with your June 19, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Dhanraj's expansion of its plan for the Zanzibar brand is hereby approved for the "Princess" and "Princess 24 Carat" international hard pack varieties. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to

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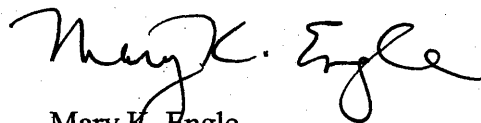
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Sanjay B. Patel  
July 9, 2007  
Page 2

HHS.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

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

## **PRESTIGE TOBACCO COMPANY**

Registered Office : The Murray Building, 19 South Grayson Street, Sparta, North Carolina, North Carolina, U.S.A.  
(Mailing Address : PO Box 639, Sparta, NC28675, USA.)

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**July 4, 2007**

**Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington, D. C. 20001**

**Re: Cigarette Health Warning Display for Zodiac Cigarettes**

**Dear Ms. Engle,**

Prestige Tobacco Company is requesting approval for the following health warning equalization plan for imported Zodiac cigarettes.

Prestige Tobacco Company ("Prestige") is a North Carolina corporation owned by Mr. Keith McCulloch who is located at the following:

Mr. Keith McCulloch  
148 Chestnut Ridge Lane  
Roaring Gap, NC 28668  
Phone: 336-363-3889  
Cell: 011-66811-737434  
Fax: 011-662-654-2966  
Email: JJHBVI@aol.com

Prestige has replaced the law firm of Taylor, Penry, Rash and Riemann who submitted the original request for approval that was granted on June 12, 2006 and an expansion to that plan to add two additional varieties of the Zodiac brand that was approved on October 3, 2006. Mr. Stephen M. Nelson will serve as the contact between FTC and Prestige. He can be contacted at the following:

Mr. Stephen M. Nelson  
11513 Stillbrook Road  
Richmond, VA 23236  
Phone: 804-379-3764  
Fax: 804-378-1837  
Email: microcigar@aol.com

Some changes have been made to the packaging of the Zodiac brand. Samples of the revised packaging were submitted with my letter of May 30, 2007. The warnings will appear exactly as shown on the actual pack and carton samples provided with our May 30, 2007 letter.

1. Packaging

A. Warning Labels Size and Location

Brand to be manufactured and imported

Zodiac

Brand Styles to be manufactured and imported

Zodiac Full Flavor King Soft Pack  
Zodiac Full Flavor 100's Soft Pack  
Zodiac Gold King Soft Pack  
Zodiac Gold 100's Soft Pack  
Zodiac Menthol King Soft Pack  
Zodiac Menthol 100's Soft Pack

B. Warning Label Rotation

Prestige wishes to use the Warning Label Rotation Option provided by Section 1333 (c) (2) of the Cigarette Act by displaying the four warnings an equal number of times during the year on the packaging of each brand style of Zodiac brand cigarettes.

Zodiac sales have not begun at this time. The projected sales volume by Zodiac brand style for 2007 and 2008 are shown below:

Zodiac Brand Cigarettes Stick Sales (Sticks in 1000's)

Zodiac Brand	2007	2008
Zodiac Full Flavor King	[REDACTED]	[REDACTED]
Zodiac Full Flavor 100's	[REDACTED]	[REDACTED]
Zodiac Gold King	[REDACTED]	[REDACTED]
Zodiac Gold 100's	[REDACTED]	[REDACTED]
Zodiac Menthol King	[REDACTED]	[REDACTED]
Zodiac Menthol 100's	[REDACTED]	[REDACTED]
Total Sales	[REDACTED]	[REDACTED]

These sales statistics qualify Prestige to elect the option provided by Section 1333 (c) (2). Prestige will ensure that all four warnings will be displayed an equal number of times on the packs and cartons of each brand style of Zodiac brand cigarettes under its manufacturing process. We will display the four health warnings an equal number of times on the packs and cartons for each of the brand styles of the Zodiac brand for the one year period beginning on the date of approval of this plan.

The Zodiac brand of cigarettes is the only brand manufactured and imported by Prestige at this time.



C. Records of Compliance

Prestige will establish and maintain sufficient records to demonstrate compliance with this plan.

2. Advertising

Prestige confirms it does not intend to advertise Zodiac brand cigarettes at this time. If Prestige decides to advertise at a later time, it will submit an advertising plan to the FTC for approval.

Prestige has filed a full list of ingredients added to the tobacco in its manufacture of Zodiac cigarettes with the Secretary of the Department of Health and Human Services, under Section 1335a of the Cigarette Act requesting their approval

Prestige will comply with the requirements of the Tariff Act of 1930, 19 U.S.C. Section Rev1681a (c) (1) annually providing an ingredient list and a sworn statement to this effect.

Should your office require clarification or additional information, please contact Mr. Nelson at 804-379-3764 or [microcigar@aol.com](mailto:microcigar@aol.com). After review of Prestige's Compliance Plan, please direct written approval to Mr. Nelson's attention. Thank you for your time and attention to this matter.

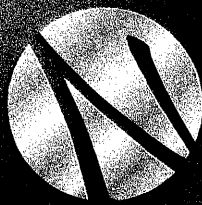
Best Regards,



Keith McCulloch  
Prestige Tobacco Company

**Selected packaging samples from those  
submitted with the plan.**

20 CLASS A CIGARETTES

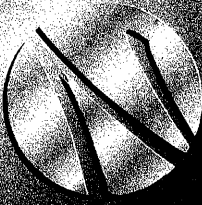


Zodiac

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

UNDERAGE  
SALES  
PROHIBITED

20 CLASS A CIGARETTES



Zodiac



20 CLASS A CIGARETTES  
Made in the Philippines by La Siente Cigar and Cigarette Factory  
Km. 14 South Super Highway, Pasay City under authority of  
trademark owner and by arrangement with Prestige Tobacco  
Company, North Carolina, U.S.A.  
FOR EXPORT ONLY A-5-449



*Zodiac*

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

MADE IN THE PHILIPPINES BY LA SIERTE CIGAR AND CIGARETTE FACTORY  
SUPER HIGHWAY, PARAÑAQUE CITY UNDER AUTHORITY OF TRADEMARK OWNER  
AGREEMENT WITH PRESTIGE TOBACCO COMPANY, WOLFWAY, NORTH CAROLINA, U.S.A.  
FOR EXPORT ONLY A-5-449

100's



*Zodiac*

*Menthol Cigarettes*

*Menthol Cigarettes*

100's

*Zodiac*



FOR EXPORT ONLY  
A-5-449  
MADE IN THE PHILIPPINES BY LA SIERTE CIGAR AND CIGARETTE FACTORY  
SUPER HIGHWAY, PARAÑAQUE CITY UNDER AUTHORITY OF TRADEMARK OWNER  
AGREEMENT WITH PRESTIGE TOBACCO COMPANY, WOLFWAY, NORTH CAROLINA, U.S.A.



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

Division of Advertising Practices

July 10, 2007

Mr. Keith McCulloch  
Prestige Tobacco Company  
The Murray Building  
19 South Crayson St.  
P.O. Box 639  
Sparta, NC 28675

Dear Mr. McCulloch:

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 Prestige Tobacco Company ("Prestige") on July 4, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain soft pack varieties of the Zodiac brand of cigarettes.

Prestige's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your May 30, 2007 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Prestige's plan for the display of the four health warnings on packaging for the Zodiac brand is hereby approved for the following six soft pack varieties: Full Flavor Kings, Full Flavor 100's, Gold Kings, Gold 100's, Menthol Kings, and Menthol 100's. This approval is effective on the date of this letter and ends on July 9, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Prestige does decide 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.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette

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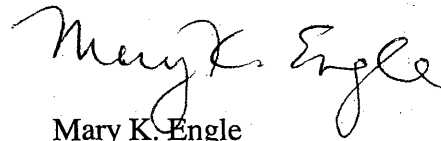
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Mr. Keith McCulloch  
July 10, 2007  
Page 2

manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes. Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

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

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



1041 W. State Route 108  
 Shelton, WA. 98584

July 5, 2007

Ms. Diana Finegold  
 Division of Advertising Practices  
 Federal Trade Commission  
 600 Pennsylvania Ave NW  
 NJ-3212  
 Washington, DC 20580

Dear Ms Finegold:

Pursuant to the Federal Cigarette Labeling and Advertising Act (the Cigarette Act), Skookum Creek Tobacco Co., Inc., hereby submits sample packaging and a plan for the rotation of "Warnings" under section 1333 (c) (2). The warnings will appear exactly as shown on the samples provided with our April 12, 2007 letter.

Skookum Creek Tobacco Company currently produces two brands of cigarettes, "Complete" and "Premis".

The following pages outline the brands and styles manufactured by Skookum Creek Tobacco Company. In addition please find a table indicating sales for fiscal year 2006 and projected sales for fiscal year 2007. The Skookum Creek Tobacco Company fiscal year runs from October 1 to September 30.

**"COMPLETE" BRAND FAMILY**

Style	Packaging		Style	Packaging
Full Flavor Deluxe Kings	Soft Pack	*	Full Flavor Deluxe 100's	Soft Pack
Light Deluxe Kings	Soft Pack		Light Deluxe 100's	Soft Pack
Ultra Light Deluxe Kings	Soft Pack		Ultra Light Deluxe 100's	Soft Pack
Menthol Deluxe Kings	Soft Pack		Menthol Deluxe 100's	Soft Pack
Menthol Light Deluxe Kings	Soft Pack		Menthol Light Deluxe 100's	Soft Pack

Non Filtered Deluxe Kings	Soft Pack		
Full Flavor Deluxe Kings	Hard Pack		
Light Deluxe Kings	Hard Pack		
Ultra Light Deluxe Kings	Hard Pack		
Menthol Deluxe Kings	Hard Pack		
Menthol Light Deluxe Kings	Hard Pack		
Non Filtered Deluxe Kings	Hard Pack		

**"PREMIS" BRAND FAMILY**

Style	Packaging	Style	Packaging
Full Flavor Deluxe Kings	Soft Pack	Full Flavor Deluxe 100's	Soft Pack
Light Deluxe Kings	Soft Pack	Light Deluxe 100's	Soft Pack
Ultra Light Deluxe Kings	Soft Pack	Ultra Light Deluxe 100's	Soft Pack
Menthol Deluxe Kings	Soft Pack	Menthol Deluxe 100's	Soft Pack
Menthol Light Deluxe Kings	Soft Pack	Menthol Light Deluxe 100's	Soft Pack

**SALES FIGURES (STICKS) FISCAL YEARS 2006/2007**

**"COMPLETE"**

Description	FY 06	FY 07 (estimated)
Full Flavor Deluxe King Soft Pack	██████████	██████████
Light Deluxe King Soft Pack	██████████	██████████
Ultra Light Deluxe King Soft Pack	██████████	██████████



Menthol Deluxe King Soft Pack	[REDACTED]	[REDACTED]	
Menthol Light Deluxe King Soft Pack	[REDACTED]	[REDACTED]	
Non Filtered Deluxe King Soft Pack	[REDACTED]	[REDACTED]	
Full Flavor Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Light Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Ultra Light Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Menthol Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Menthol Light Deluxe 100's, Soft Pack	[REDACTED]	[REDACTED]	
Full Flavor Deluxe King Hard Box	[REDACTED]	[REDACTED]	
Light Deluxe King Hard Box	[REDACTED]	[REDACTED]	
Ultra Light Deluxe King Hard Box	[REDACTED]	[REDACTED]	
Menthol Deluxe King Hard Box	[REDACTED]	[REDACTED]	
Menthol Light Deluxe King Hard Box	[REDACTED]	[REDACTED]	
Non Filtered Deluxe King Hard Box	[REDACTED]	[REDACTED]	

SALES FIGURES (STICKS) FISCAL YEARS 2006/2007 (CARTONS)

"PREMIS"

Description	FY 06	FY 07 (estimated)	
Full Flavor Deluxe Kings Soft Pack	[REDACTED]	[REDACTED]	
Light Deluxe Kings Soft Pack	[REDACTED]	[REDACTED]	
Ultra Light Deluxe Kings Soft Pack	[REDACTED]	[REDACTED]	
Menthol Deluxe Kings Soft Pack	[REDACTED]	[REDACTED]	
Full Flavor Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Light Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Ultra Light Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	

Menthol Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Menthol Light Deluxe 100's Soft Pack	[REDACTED]	[REDACTED]	
Menthol Light Deluxe Kings Soft pack	[REDACTED]	[REDACTED]	

Skookum Creek Tobacco Company will ensure, through controlled processes, that all four warnings will be equally displayed on the packs and cartons of each brand style of the Complete and Premis brands for the one year period beginning on the date of approval of this plan. Skookum Creek Tobacco will maintain records to demonstrate compliance with this plan.

Skookum Creek Tobacco will be advertising the cigarette brands of Complete and Premis on our web site. In all Skookum Creek Tobacco internet advertising the warnings will be displayed in an unavoidable manner on every page; warnings will be viewed without scrolling and shall not be accessible through hyper-links, popup, interstitials, or similar means. We will use warning formats based on the warning formats that were submitted with the 1985 plans of the five leading cigarette manufacturers and the size of the warnings shall be proportionate to those formats. The warnings will be rotated quarterly according to the following schedules. Skookum Creek Tobacco Co., Inc. engages in no other advertising in any other format. For multi-brand or brand nonspecific advertising, we will follow the label rotation for "Complete."

Warnings will be rotated as follows:

"Complete"

1 <sup>st</sup> Quarter (Jan. - Mar.)	C
2 <sup>nd</sup> Quarter (Apr. - June)	B
3 <sup>rd</sup> Quarter (July - Sept.)	A
4 <sup>th</sup> Quarter (Oct. - Dec.)	D

"Premis"

1 <sup>st</sup> Quarter (Jan. - Mar.)	B
2 <sup>nd</sup> Quarter (Apr. - June)	A
3 <sup>rd</sup> Quarter (July - Sept.)	D
4 <sup>th</sup> Quarter (Oct. - Dec.)	C

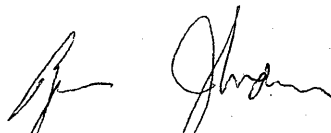
The warnings are as follows:

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

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

Attached to this letter are sample pages from our web site.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Johnson". The signature is written in a cursive style with a large initial "B" and "J".

**Bryan Johnson, General Manager**

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



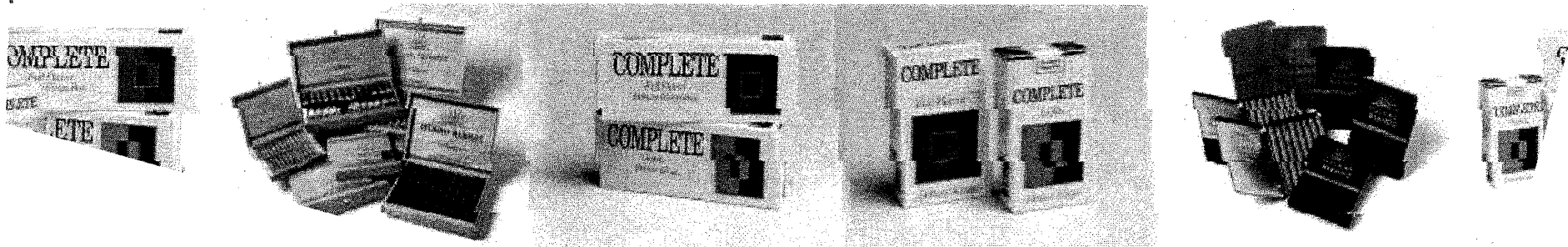
**OUR STORY**

**OUR PRODUCTS**

**OUR STORE LOCATIONS**

**WHAT'S HAPPENING**

**MANUFACTURER AND DISTRIBUTOR  
OF AMERICA'S NEWEST PREMIER CIGARETTES**



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



**OUR STORY**

**OUR PRODUCTS**

**OUR STORE LOCATIONS**

**WHAT'S HAPPENING**

**MANUFACTURER AND DISTRIBUTOR  
OF AMERICA'S NEWEST PREMIER CIGARETTES**



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



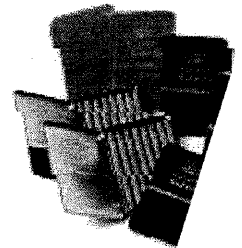
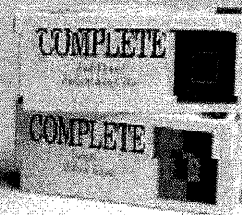
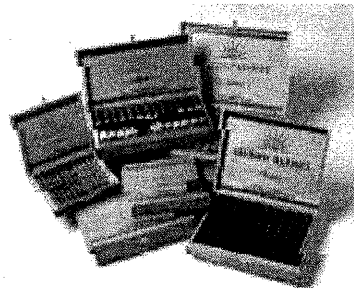
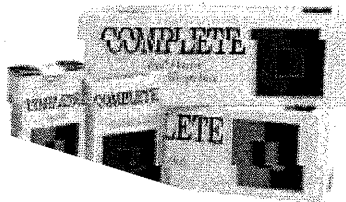
**OUR STORY**

**OUR PRODUCTS**

**OUR STORE LOCATIONS**

**WHAT'S HAPPENING**

**MANUFACTURER AND DISTRIBUTOR  
OF AMERICA'S NEWEST PREMIER CIGARETTES**



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



**OUR STORY**

**OUR PRODUCTS**

**OUR STORE LOCATIONS**

**WHAT'S HAPPENING**

**MANUFACTURER AND DISTRIBUTOR  
OF AMERICA'S NEWEST PREMIER CIGARETTES**



**Selected packaging samples from those  
submitted with the plan.**



Sales to  
Minors  
Prohibited

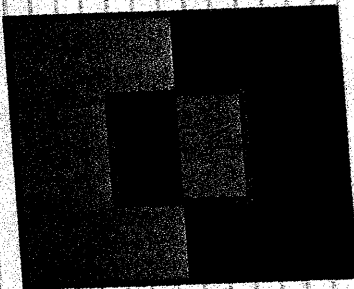
COMPLETE

COMPLETE<sup>®</sup>

Ultra Lights Kings Box

COMPLETE

Ultra Lights

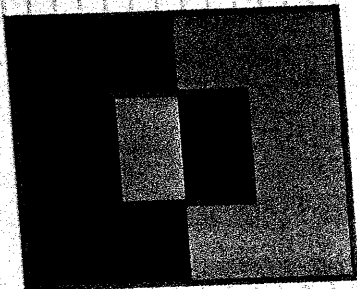


Deluxe Kings

Ultra Lights Kings Box

COMPLETE<sup>®</sup>

Deluxe Kings

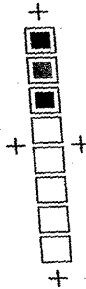


Ultra Lights

20  
CLASS A  
CIGARETTES

129456789 10 11 X 001 02 03 04 05 06 07 08 09

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

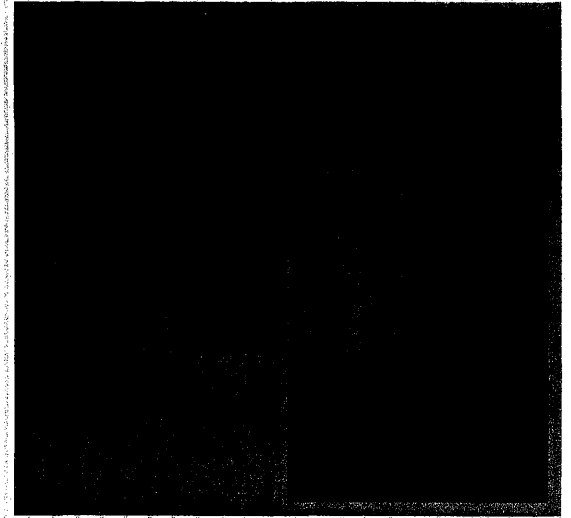


TPWAT  
SKOOKUM CREEK  
TOBACCO  
www.skookumcreek.com

MADE IN U.S.A.

# COMPLETE

*Menthol  
Deluxe Kings Box*



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

## COMPLETE<sup>®</sup>

*Menthol  
Deluxe Kings Box*

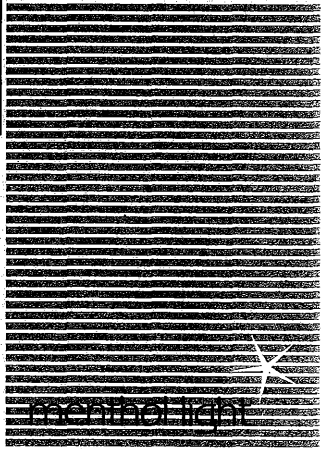


*Sales to  
Minors  
Prohibited*



*Menthol  
Deluxe Kings Box*

premis

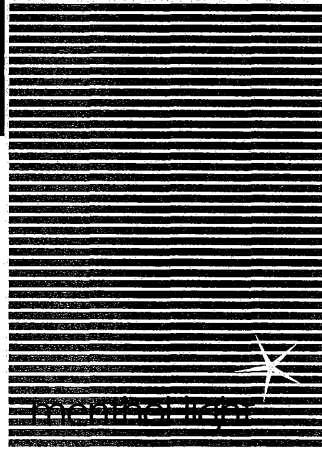


menthol light

Sales to  
Minors  
Prohibited

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

premis



menthol light

premis  
menthol light  
kings



www.skoopumcreek.com  
MADE IN U.S.A.



TPWA1

**PREMIIS**

**PREMIIS**

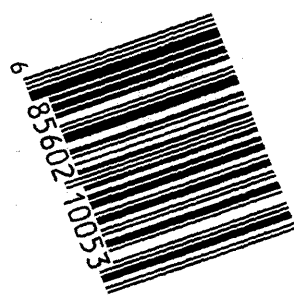
**PREMIIS**

**PREMIIS**

**PREMIIS**

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

Sales to  
Minors  
Prohibited





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

Division of Advertising Practices

July 16, 2007

Mr. Bryan Johnson  
Skookum Creek Tobacco Co., Inc.  
1041 W. State Route 108  
Shelton, WA 98584

Dear Mr. Johnson:

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 Skookum Creek Tobacco Co., Inc. ("Skookum Creek") on July 5, 2007, calling for quarterly rotation of the four health warnings in Internet advertising for the Complete and Premis brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of certain varieties of those brands.

Skookum Creek's plan for the rotation of the warnings in Internet advertising of the Complete and Premis brands has been approved. Approval of the plan assumes that the plan is implemented in good faith. The approval of your plan for the rotation of the health warnings in Internet advertising is not a determination as to the legality of advertising cigarettes on the Internet. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact DOJ directly (Alex Belser at 202-353-3881) to determine whether such advertising on the Internet is permissible.

Skookum Creek's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your April 12, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Skookum Creek's plan for the display of the four health warnings on packaging for the Complete brand is hereby approved for the following seventeen varieties: Full Flavor kings (soft and hard pack), Light kings (soft and hard pack), Ultra Light kings (soft and hard pack), Menthol kings (soft and hard pack), Menthol Light kings (soft and hard pack), Non-Filter kings (soft and hard pack), Full Flavor 100's soft pack, Light 100's soft pack, Ultra Light 100's soft pack, Menthol 100's soft pack, and Menthol Light 100's soft pack. Skookum Creek's plan for the display of the four health warnings on packaging for the Premis brand is hereby

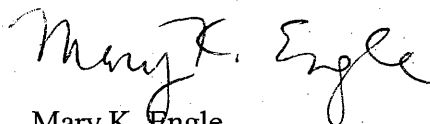
Mr. Bryan Johnson  
July 16, 2007  
Page 2

approved for the following ten soft pack varieties: Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Full Flavor 100's, Light 100's, Ultra Light 100's, Menthol 100's, and Menthol Light 100's. This approval is effective on the date of this letter and ends on July 15, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,



Mary K. Engle  
Associate Director

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



## Vector Tobacco Inc.

Victoria Spier Evans  
Corporate Counsel

Tel 919-990-3590  
Fax 919-990-3505  
vspierevans@lvbrands.com

June 29, 2007

### VIA FEDERAL EXPRESS

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: Aine Farrell

RE: Renewal Application of Vector Tobacco Inc.'s Consolidated Rotation Plan for *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle* and *USA* Cigarette Brands and Brand Styles

Dear Ms. Engle:

Vector Tobacco Inc. ("Vector Tobacco") hereby submits this renewal application for its consolidated label rotation plan (the "Plan") pursuant to the Federal Cigarette Labeling and Advertising Act (the "Act"), 15 U.S.C. § 1333 (c). We are requesting simultaneous rotation of the four required warnings, in accordance with 15 U.S.C. § 1333 (c)(2)(C), for the following Vector Tobacco brands: (1) *Eagle 20's*, (2) *Meridian*, (3) *Quest*, (4) *Silver Eagle*, and (5) *USA*.

As you are aware, Vector Tobacco received approval for simultaneous rotation of label warnings for its *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* brands on August 17, 2006. The current plan is set to expire on August 16, 2007. Through the date of this request, the Surgeon General's warnings on the packages for the *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* brand styles have been equalized, in accordance with the existing label rotation plan.

This renewal application applies to all styles of *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* listed on Schedule A, attached hereto and incorporated by reference.

Also enclosed with this letter is Schedule B, attached hereto and incorporated herein by reference, which sets forth information on cigarette sales volume for calendar year 2006 and anticipated cigarette sales volume for calendar year 2007 for the *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* brand styles, establishing that all brand styles covered by the Plan qualify for simultaneous rotation. An affidavit of Francis G. Wall, in support of the sales information, is included as Schedule C.

The four health warnings required by 15 U.S.C. §1333(a)(1) shall be printed on the packs and cartons of each of the *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* brand styles an equal number of times within the one year period beginning on the date of approval of the Plan. These warnings will appear exactly as shown on the sample packaging previously submitted in connection with the existing Plan as previously approved by the FTC. There have been no changes to the packaging design for Vector Tobacco's cigarette packaging previously submitted and approved.

This will also confirm that Vector Tobacco, in the ordinary course of business, maintains records of compliance with the Plan.

The information contained in Schedule B and Schedule C is confidential and proprietary business information of Vector Tobacco. We ask that this information be kept confidential by the FTC, pursuant to its applicable rules and procedures.

Thank you for your attention to this matter. If you have any questions, contact me.

Very truly yours,



Victoria Spier Evans



**SCHEDULE A**  
**BRAND AND BRAND STYLES TO WHICH THE PLAN APPLIES**

**EAGLE 20's Brand**

1. Lights King Box
2. FF King Box
3. Lights Menthol King Box
4. FF Menthol King Box
5. Lights 100's Box
6. FF 100's Box
7. Non Fil Kings (Soft Pack)
8. FF Kings (Soft Pack)
9. FF Kings Menthol (Soft Pack)
10. FF 100's (Soft Pack)
11. FF 100's Menthol (Soft Pack)
12. Ultra Lights King (Soft Pack)
13. Ultra Lights 100's (Soft Pack)
14. King Lights (Soft Pack)
15. Lights 100's (Soft Pack)
16. King Menthol Lights (Soft Pack)
17. Menthol Lights 100's (Soft Pack)

**MERIDIAN Brand**

1. Lights King (Soft Pack)
2. Lights 100's (Soft Pack)
3. Menthol Lights 100's (Soft Pack)
4. Ultra Lights 100's (Soft Pack)
5. FF King (Soft Pack)
6. FF 100's (Soft Pack)
7. Menthol Lights King (Soft Pack)
8. Menthol Fil King (Soft Pack)
9. King Ultra Lights (Soft Pack)
10. No Fil King (Soft Pack)
11. FF Kings Box
12. Lights Kings Box

**QUEST Brand**

1. Lights Kings Box (1)
2. Lights Kings Box (2)
3. Lights Kings Box (3)
4. Menthol Lights Kings Box (1)
5. Menthol Lights Kings Box (2)
6. Menthol Lights Kings Box (3)
7. Lights (Hard Pack)
8. Lights 100's (Hard Pack)
9. Menthol Lights (Hard Pack)
10. Menthol Lights 100's (Hard Pack)
11. Lights (Soft Pack)
12. Lights 100's (Soft Pack)
13. Menthol Lights (Soft Pack)
14. Menthol Lights 100's (Soft Pack)

### **SILVER EAGLE Brand**

1. Lights King Box
2. FF King Box
3. Lights Menthol King Box
4. FF Menthol King Box
5. Lights 100's Box
6. FF 100's Box
7. Non Fil Kings (Soft Pack)
8. FF Kings (Soft Pack)
9. FF 100's (Soft Pack)
10. FF 100's Menthol (Soft Pack)
11. Ultra Lights 100's (Soft Pack)
12. Ultra Lights 100's Box
13. King Lights (Soft Pack)
14. Lights 100's (Soft Pack)
15. Menthol Lights 100's (Soft Pack)
16. Lights 120's Box
17. Ultra Lights 120's Box
18. Lights 120's Menthol Box

### **USA Brand**

1. FF 100's Box
2. FF Kings Box
3. FF Kings Menthol Box
4. FF 100's (Soft Pack)
5. FF Kings (Soft Pack)
6. Lights 100's (Soft Pack)
7. Lights Kings (Soft Pack)
8. Lights Kings Box
9. Lights 100's Box
10. FF 100's Menthol (Soft Pack)
11. Lights 100's Menthol (Soft Pack)
12. Lights Kings Menthol Box
13. Ultra Lights 100's (Soft Pack)

**SCHEDULE B**  
**2006 AND ANTICIPATED 2007 SALES VOLUME**

Brand	Brand Style	2006 Units	Anticipated 2007 Units
EAGLE 20's	FF 100 BX		[REDACTED]
	FF 100 SP		[REDACTED]
	FF 100 SP MT		[REDACTED]
	FF KS BX		[REDACTED]
	FF KS BX MT		[REDACTED]
	FF KS SP		[REDACTED]
	FF KS SP MT		[REDACTED]
	LT 100 BX		[REDACTED]
	LT 100 SP		[REDACTED]
	LT 100 SP MT		[REDACTED]
	LT KS BX		[REDACTED]
	LT KS BX MT		[REDACTED]
	LT KS SP		[REDACTED]
	LT KS SP MT		[REDACTED]
	NF KS SP		[REDACTED]
	UL 100 SP		[REDACTED]
UL KS SP		[REDACTED]	
<b>Total EAGLE 20's</b>			[REDACTED]
MERIDIAN	FF 100 SP		[REDACTED]
	FF KS BX		[REDACTED]
	FF KS SP		[REDACTED]
	FF KS SP MT		[REDACTED]
	LT 100 SP		[REDACTED]
	LT 100 SP MT		[REDACTED]
	LT KS BX		[REDACTED]
	LT KS SP		[REDACTED]
	LT KS SP MT		[REDACTED]
	NF KS SP		[REDACTED]
	UL 100 SP		[REDACTED]
UL KS SP		[REDACTED]	
<b>Total MERIDIAN</b>			[REDACTED]
QUEST	LT KS BX (1)		[REDACTED]
	LT KS BX MT (1)		[REDACTED]
	LT KS BX (2)		[REDACTED]
	LT KS BX MT (2)		[REDACTED]
	LT KS BX (3)		[REDACTED]
	LT KS BX MT (3)		[REDACTED]
	Lights (Hard Pack)		-
	Lights 100's (Hard Pack)		-
	Menthol Lights (Hard Pack)		-
	Menthol Lights 100's (Hard Pack)		-
	Lights (Soft Pack)		-
	Lights 100's (Soft Pack)		-
	Menthol Lights (Soft Pack)		-
Menthol Lights 100's (Soft Pack)		-	
<b>Total QUEST</b>			[REDACTED]

Brand	Brand Style	2006 Units	Anticipated 2007 Units
SILVER EAGLE	FF 100 BX		
	FF 100 SP		
	FF 100 SP MT		
	FF KS BX		
	FF KS BX MT		
	FF KS SP		
	LT 100 BX		
	LT 100 SP		
	LT 100 SP MT		
	LT 120 BX		
	LT 120 BX MT		
	LT KS BX		
	LT KS BX MT		
	LT KS SP		
	NF KS SP		
	UL 100 BX		
	UL 100 SP		
	UL 120 BX		
	<b>Total SILVER EAGLE</b>		
USA	FF 100 BX		
	FF 100 SP		
	FF 100 SP MT		
	FF KS BX		
	FF KS BX MT		
	FF KS SP		
	LT 100 BX		
	LT 100 SP		
	LT 100 SP MT		
	LT KS BX		
	LT KS BX MT		
	LT KS SP		
	UL 100 SP		
<b>Grand Totals</b>			

SCHEDULE C

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

AFFIDAVIT OF FRANCIS G. WALL

Francis G. Wall, being duly sworn, deposes and says:

1. I am Vice President – Finance of Vector Tobacco Inc. (“Vector Tobacco”), a corporation organized and existing under the laws of the Commonwealth of Virginia.
2. Contemporaneously with this Affidavit, Vector Tobacco filed its request to renew the consolidated label rotation plan for *Eagle 20’s*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* cigarette brands (the “Plan”).
3. Under Section 15 U.S.C. §1333 (c) (2), the Surgeon General's Warning on the packaging of a particular brand style may be rotated on a simultaneous basis if (a) the brand style had sales volume of less than one quarter of one percent of the total United States cigarette market in the last fiscal year and (b) more than one half of the brand styles manufactured by Vector Tobacco had less than one quarter of one percent of the total United States cigarette market in the last calendar year. Vector Tobacco’s last calendar year ran from January 1, 2006 to December 31, 2006.
4. Attached to this affidavit as Schedule D is a copy of a portion of The Maxwell Report for the calendar year 2006. This report shows that 372.5 billion cigarettes were sold in the United States during calendar year 2006. One quarter of one percent of 372.5 billion is 931.25 million cigarettes. Accordingly, Vector Tobacco brand styles with less than 931.25 million units in sales in 2006 are eligible for simultaneous rotation.

5. Attached to the Plan as Schedule B are unit sales figures for the calendar year January 1 to December 31, 2006 for *Eagle 20's*, *Meridian*, *Quest*, *Silver Eagle*, and *USA* brand styles in the United States. This schedule shows that there is no brand style manufactured by Vector Tobacco, during the calendar year, which had greater than one quarter of one percent of the total United States cigarette market.

6. By virtue of the foregoing, Vector Tobacco is eligible to apply for simultaneous rotation of the required label statements as provided in 15 U.S.C. §1333 (c) (2).

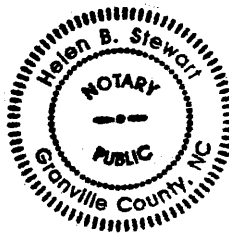
VECTOR TOBACCO INC.

By: \_\_\_\_\_

*Francis G. Wall*  
Francis G. Wall  
Vice President - Finance

Sworn to and subscribed before me,  
this 29<sup>th</sup> day of June, 2007.

*Helen B. Stewart*  
Notary Signature  
Name: Helen B. Stewart  
My commission expires on: 09/20/2010



# THE MAXWELL REPORT

John C. Maxwell, Jr. · 4703 Rolfe Road, Richmond, Virginia 23226 · Telephone & FAX (804) 359-0429, E-Mail: jmaxjr@comcast.net

## YEAR END & FOURTH QUARTER 2006 SALES ESTIMATES FOR THE CIGARETTE INDUSTRY<sup>1</sup>

February, 2007

### INDUSTRY COMMENTARY

Industry volume for the year 2006 was 372.50 billion sticks down 2.4% from a volume number for 2005 of 381.70 billion sticks. Fourth quarter volume was down 2.7% to 92.00 billion from 94.60 billion a year ago. The discount segment dropped from 27.80 billion in 2005 to 25.40 billion in 2006 – an 8.6% decline. Market share for this segment declined from 29.5% a year ago to 27.6% this year. Deep discounts remain flat at 11.8% of the market. Volume for premium brands declined 0.1% from 66.70 billion in 2005 to 66.60 billion in 2006.

Quarter Volume Summary - 2004-2006 (Volume in Millions of Sticks)								
	2005				2006			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Industry Total Volume</b>	87,900	100,000	99,300	94,600	88,500	96,700	96,000	92,000
<b>Full Price</b>	62,700	71,500	70,503	66,700	63,600	70,000	69,900	66,600
<b>Savings</b>	25,200	28,500	28,797	27,800	24,900	26,700	26,100	25,400
Industry Total Share of Shipments								
<b>Full Price</b>	71.3%	71.5%	71.0%	70.5%	71.9%	72.4%	72.8%	72.4%
<b>Savings</b>	28.7%	28.5%	29.0%	29.5%	28.1%	27.6%	27.2%	27.6%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

STATE CIGARETTE PACKAGES TAXED VOLUME (12-Month Moving Total) (packages in millions)										
Month	2002	Change	2003	Change	2004	Change	2005	Change	2006	Change
Jan	20,378	(2.6)	19,746	(3.1)	19,009	(3.7)	18,777	(1.2)	18,315	(2.5)
Feb	20,349	(2.5)	19,683	(3.3)	18,953	(3.7)	18,714	(1.3)	18,319	(2.1)
Mar	20,319	(2.2)	19,590	(3.6)	19,046	(2.8)	18,640	(2.1)	18,303	(1.8)
Apr	20,299	(2.6)	19,560	(3.6)	19,037	(2.7)	18,554	(2.5)	18,236	(1.7)
May	20,274	(2.8)	19,456	(4.0)	18,921	(2.7)	18,579	(1.8)	18,197	(2.1)
Jun	20,217	(2.8)	19,347	(4.3)	18,930	(2.2)	18,593	(1.8)	18,126	(2.5)
Jul	20,152	(2.3)	19,307	(4.2)	18,836	(2.4)	18,443	(2.1)	18,123	(1.7)
Aug	19,996	(2.9)	19,231	(3.8)	18,803	(2.2)	18,482	(1.7)	18,086	(2.1)
Sep	19,942	(2.8)	19,165	(3.9)	18,822	(1.8)	18,459	(1.9)	17,990	(2.5)
Oct	19,899	(2.9)	19,104	(4.0)	18,713	(2.0)	18,438	(1.5)		
Nov	19,864	(3.0)	19,036	(4.2)	18,840	(1.0)	18,355	(2.6)		
Dec	19,940	(2.4)	19,130	(4.1)	18,842	(1.5)	18,233	(3.2)		

<sup>1</sup> This information has been compiled from various sources and may not be complete. It is not guaranteed and is not a representation by us. Any opinion expressed herein is based upon our interpretation of the information from such source. Detail in tables may not sum to totals because of rounding.



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

Division of Advertising Practices

July 17, 2007

Ms. Victoria Spier Evans  
Vector Tobacco Inc.  
One Park Drive Suite 150  
Post Office Box 13818  
Research Triangle Park, NC 27709

Dear Ms. Spier Evans:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a proposed plan filed by Vector Tobacco Inc. ("Vector") on June 29, 2007, calling for the simultaneous display of the four health warnings on packaging of certain varieties of the Eagle 20's, Meridian, Quest, Silver Eagle, and USA brands of cigarettes.

Vector's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons of the Quest brand submitted with your July 8 and September 26, 2002 letters, of the USA brand submitted with your April 12, June 13, and November 15 and 22, 2002 letters, of the Meridian brand submitted with your March 25, 2004 letter, of the Eagle 20's brand submitted on March 25, 2004, July 22, 2004, and with your letters of August 4, 2005, and July 20 and 24, 2006, and of the Silver Eagle brand submitted with your letters of September 2 and 8, 2005 and June 28, 2006, appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Vector's plan for the "Quest" brand of cigarettes has been approved for four soft pack varieties (Lights, Lights 100's, Menthol Lights and Menthol Lights 100's) and ten box varieties ("Quest 1 - Low Nicotine Lights," "Quest 2 - Extra Low Nicotine Lights," "Quest 3 - Nicotine Free Lights," "Quest 1 - Low Nicotine - Menthol Lights," "Quest 2 - Extra Low Nicotine - Menthol Lights," "Quest 3 - Nicotine Free-Menthol Lights," Lights, Lights 100's, Menthol Lights and Menthol Lights 100's). Vector's plan for the USA brand has been approved for seven soft pack varieties (Full Flavor 100's, Full Flavor King, Lights 100's, Lights King, Full Flavor 100's Menthol, Lights 100's Menthol and Ultra Lights 100's), and six box varieties (Full Flavor 100's, Full Flavor King, Full Flavor King Menthol, Lights King Box, Lights 100's Box, and Lights King Menthol Box). Vector's plan for the Eagle 20's brand of cigarettes has been approved for eleven soft pack varieties (Nonfilter King, Full Flavor King, Full Flavor Menthol King, Full Flavor 100's, Full



Ms. Victoria Spier Evans  
July 17, 2007  
Page 2

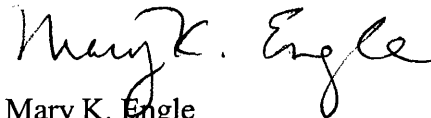
Flavor Menthol 100's, Ultra Lights King, Ultra Light's 100's, Lights King, Lights 100's, Menthol Lights King, and Menthol Lights 100's) and six box varieties (Lights King, Full Flavor King, Lights Menthol King, Full Flavor Menthol King, Lights 100's and Full Flavor 100's). Vector's plan for the Meridian brand of cigarettes has been approved for ten soft pack varieties (Lights King, Lights 100's, Menthol Lights 100's, Ultra Lights 100's, Full Flavor King, Full Flavor 100's, Menthol Lights King, Menthol King, Ultra Lights King, and Nonfilter King) and two box varieties (Full Flavor King and Lights King). Finally, Vector's plan for the Silver Eagle brand of cigarettes has been approved for ten hard pack varieties ( Full Flavor Kings, Full Flavor 100's, Lights Kings, Lights 100's, Ultra Lights 100's, Lights 120's, Ultra Lights 120's, Full Flavor Menthol Kings, Menthol Lights 120's, and Menthol Lights Kings) and eight soft pack varieties (Non Filter Kings, Full Flavor Kings, Full Flavor 100's, Full Flavor 100's Menthol, Ultra Lights 100's, King Lights, Lights 100's, and Menthol Lights 100's). This approval is effective on the date of this letter and ends on July 16, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

This approval of Vector's cigarette health warning display plan is an approval only of its plan for displaying the four health warnings mandated by the Cigarette Act. It is not in any way an approval of any other statements or representations, including, but not limited to, statements that the product is "nicotine free," made on the packaging or in the advertising of Vector's cigarettes.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

Very truly yours,



Mary K. Engle  
Associate Director

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



July 13, 2007

Ms. Mary K. Engle  
Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Ave. NW  
Washington, D.C. 20001

**Re: *Nooney Inc., dba JF Nooney Company***  
***Proposed Warning Statement Rotation Plan***

Dear Ms. Engle,

Pursuant to the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 *et seq.* (the "Act") Nooney, Inc. dba JF Nooney Company (JF Nooney) hereby submits for your consideration the following proposed Warning Statement Rotation Plan (the "Plan") for the Blue Point, Lumbee and Ocean brand cigarettes (the "Products"), which will be imported from Uruguay, including the following information for your review:<sup>1</sup>

- (i) sample cigarette cartons and packages displaying the layout, size and location of the health warning statements for each brand style; and
- (ii) a rotation plan for the display of health warning statements on Products packages, cartons and Product advertising.

**Warning Statement Rotation Plan Pursuant to Section 4 (c) of the Federal Cigarette Labeling and Advertising Act.**

The Act provides for the placement of certain warning statements (i) on packages and cartons of cigarettes for sale or distribution in the United States; and (ii) in advertisements for cigarettes within the United States. JF Nooney submits this Warning Statement Rotation Plan to the Federal Trade Commission pursuant to Section 4 (i) of the Act. JF Nooney intends to import the following brand styles for the Products (the "Brand Styles") under this proposed plan:

*Brand:*

---

<sup>1</sup> JF Nooney will be the importer of record for the Product in the United States. The Product will be manufactured in Uruguay by Compañía Industrial de Tabacos Monte Paz, S.A. ("Monte Paz"). Monte Paz is a Subsequent Participating Manufacturer under the Tobacco Master Settlement Agreement.



Blue Point

Styles:

Menthol King Box

Brand:

Lumbee

Styles:

Full Flavor 100 Soft  
Full Flavor King Soft  
Full Flavor King Box  
Light 100 Soft  
Light King Soft  
Light King Box  
Menthol 100 Soft  
Menthol King Soft

Menthol King Box  
Menthol Light 100 Soft  
Menthol Light King Soft  
Menthol Light King Box  
Non-Filter King Soft  
Ultra Light 100 Soft  
Ultra Light King Soft  
Ultra Light King Box

Brand:

Ocean

Styles:

Menthol King Box

**I. Packaging.**

**A. Warning Statement.**

The warning statements will appear on the cigarette packages and cartons for each Brand Style exactly as shown on the samples for the packages and cartons submitted with my letter dated June 18, 2007.

JF Nooney shall display each of the warning statements required by 15 U.S.C. 1331 et seq. on the Products packages and cartons for each Brand Style. In compliance with the Tariff Suspension and Trade Act of 2000, the warning statements shall be printed directly on the packages and cartons of the Products.

**B. Warning Statement Rotation Plan for Packages and Cartons by Quarter.**



The following Products and corresponding Plans have been previously approved for JF Nooney:

	First Quarter (Jan-Mar)	Second Quarter (Apr-Jun)	Third Quarter (Jul-Sep)	Fourth Quarter (Oct-Dec)
Milestone	A	B	C	D
Pinson	B	C	D	A
JD's	C	D	A	B
Firenze	D	A	B	C
Jim Porter	A	B	C	D
JED's	B	C	D	A

JF Nooney proposes to use the following Warning Statement Rotation Schedule for the warning statements to be printed on the cigarette packages and cartons of each Brand Style for each of the Products. A complete list of Blue Point, Lumbee and Ocean brand styles is set forth herein above.

	First Quarter (Jan-Mar)	Second Quarter (Apr-Jun)	Third Quarter (Jul-Sep)	Fourth Quarter (Oct-Dec)
Blue Point	C	D	A	B
Lumbee	D	A	B	C
Ocean	A	B	C	D

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

Packages and cartons of all Brand Styles of the Products shall each respectively bear the label statement referenced above for the quarter in which such cigarettes are manufactured or packaged, regardless of the date(s) on which such cigarettes are sold or distributed in the United States.

**C. Records of Compliance**



JF Nooney will maintain monthly records of compliance with the proposed warning statement rotation plan indicating (i) the dates of manufacture or packaging of the Products, and (ii) the warning statement displayed in each case. These records will be available for inspection by your agency upon reasonable prior notice.

## **II. Advertising.**

All warning statements shall be printed in black on white. JF Nooney intends to display each of the warning statements required by 15 U.S.C. 1331 *et seq.* on any advertisements of the Products, including any point of sale materials (posters, placards, flyers, etc.). JF Nooney will use the same warning formats that were submitted with the 1985 plans of the five (5) leading U.S. cigarette manufacturers and we will place the warnings as specified in those plans. The health warning statement formats for advertisements of the Products will be consistent with those on file for JF Nooney Company (as most recently submitted with JED's brand cigarette application on July 12, 2006; approved on August 16, 2006).

The size of our ads shall not exceed 10 square feet.

### **A. Advertising Warning Statement Rotation Plan.**

The advertisement warning label rotation shall be performed in accordance with the same schedule proposed for rotation of the cigarette package and carton labels included in section I B herein.

### **B. Internet Advertisement**

JF Nooney represents that it does not have any plans to conduct any Internet advertising of the Products at this time. In the event that it does so in the future, it will submit an amended rotation plan for your consideration which will include a proposed health statement rotation plan and a sample web page for Internet advertising.

### **C. Records of Compliance**

JF Nooney shall maintain or cause to be maintained adequate records (i) identifying the name and date of each publication, (ii) identifying the size and category of the advertisement and the exhibit number of the acetate used to determine the size of the print used for the warning statement as designated in the FTC Memo Schedule; and (iii) including a copy of the actual advertisement for purposes of viewing the actual placement and format of the warning labels.

## **III. Importer Contact Information**

Tel: (305) 931-1022 / Fax: (305) 675-0326 / 18671 Collins Ave. #1502 / Sunny Isles, FL 33160 /  
jfn Rooney@jfn Rooney.com



The following is the contact information for JF Nooney, as importer of record for the Products:

Mr. James F. Nooney, Jr.  
Nooney, Inc.  
18090 Collins Ave. T17-213  
Sunny Isles, FL 33160  
Tel: (305) 931-1022  
Fax: (305) 675-0326  
E-mail: [jfnooney@jfnooney.com](mailto:jfnooney@jfnooney.com)

Should you require any additional information, please do not hesitate to contact me at anytime.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'James F. Nooney, Jr.', is written over the typed name and title.

James F. Nooney, Jr.  
President  
JF Nooney Company

Selected packaging samples from those  
submitted with the plan.

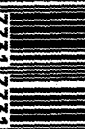
**BLUE POINT**

Arctic Menthol

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

BOX  
**BLUE POINT**

MONTECARLO  
Made in Uruguay  
www.montecarlo.com.uy



20 CIGARETTES

**BLUE POINT**

Arctic Menthol

BOX

**BLUE POINT**

Arctic Menthol

FILTER CIGARETTES

**BLUE POINT**

Arctic Menthol

BOX

FILTER CIGARETTES

UNDER 18  
SALE  
PROHIBITED

CASABO  
1778-A4  
Adv. B



# BLUE POINT

Arctic Menthol

FILTER CIGARETTES  
FLIP-TOP-BOX

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

PROHIBITED  
SALE  
UNDERAGE

# BLUE POINT

Arctic Menthol

FILTER CIGARETTES

**OCEAN**

MONTEPAC  
Made in Uruguay



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

INTENSE FRESHNESS

**OCEAN**  
FULL MENTHOL FLAVOR

INTENSE FRESHNESS

17768-12  
1/4  
Adv.A

**OCEAN**  
FULL MENTHOL FLAVOR

**OCEAN**  
FULL MENTHOL FLAVOR

**OCEAN**  
FULL MENTHOL FLAVOR



100% TOBACCO  
FULL FLAVOR  
MENTHOL  
**DUCEAN**

10 PACKS  
OF  
20 CLASS A  
CIGARETTES

INTENSE  
FRESHNESS

**DUCEAN**  
MENTHOL

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

FULL FLAVOR  
100'S

CLASS A  
20  
CIGARETTES

FULL FLAVOR  
100'S

UNDERAGE  
SALE  
PROHIBITED

L  
U  
M  
B  
E  
E



Made in Ciguan exclusively for  
and distributed by:  
Casabo Distributing Group, LLC  
950 South Blount Street  
Rochingham, NC 28389  
1-855-990-9766



L  
U  
M  
B  
E  
E



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

FULL FLAVOR  
LUMBEE  
100'S

CASABO  
2062A  
Adv. A

100'S SOFT

# TUMBLE

ULTRA LIGHT



UNDERAGE  
SALE  
PROHIBITED

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

TUMBLE

ULTRA LIGHT

100'S SOFT



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

Division of Advertising Practices

July 17, 2007

Mr. James F. Nooney Jr.  
JF Nooney Company  
18671 Collins Avenue #1502  
Sunny Isles, FL 33160

Dear Mr. Nooney:

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 Nooney Inc., *dba* JF Nooney Company ("JF Nooney"), on July 13, 2007, calling for quarterly rotation of the four health warnings in advertising and on the packaging of certain varieties of the Blue Point, Ocean, and Lumbee brands of cigarettes.

JF Nooney's plan for the rotation of the warnings in advertising of the Blue Point, Ocean, and Lumbee brands has been approved. Approval of the plan assumes that the plan is implemented in good faith.

The health warnings on the sample packs and cartons submitted with your June 18, 2007 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. JF Nooney's plan for packaging is hereby approved for the Menthol King size hard pack variety of both the Blue Point and Ocean brands, and for eleven soft pack varieties of the Lumbee brand (Full Flavor Kings, Full Flavor 100s, Light Kings, Light 100's, Menthol Kings, Menthol 100s, Menthol Light Kings, Menthol Light 100s, Ultra Light Kings, Ultra Light 100s, and Non Filter Kings) and five hard pack varieties of the Lumbee brand (Full Flavor Kings, Light Kings, Menthol Kings, Menthol Light Kings, and Ultra Light Kings). Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the

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

Mr. James F. Nooney Jr.

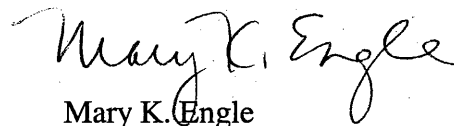
July 17, 2007

Page 2

ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, Section 802 of the Tariff Suspension and Trade Act of 2000 prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

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

Mary K. Engle  
Associate Director

LAW OFFICES OF  
**BARRY M. BOREN**

One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

barry@bboren.com

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

July 9, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Aine Farrell

Surgeon General's Health Warning Equalization and Advertising Plan  
for Tantus Tobacco, LLC  
for GSmoke, Main Street and Sport Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, Tantus Tobacco, LLC ("Tantus"), a Kentucky limited liability corporation, with offices located at 200 Progress Dr., Russell Springs, Kentucky 42642 and the mailing address is P.O. Box 1030, Jamestown, Kentucky 42629. Tantus wishes to file a Surgeon General's Health Warning Equalization Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they wish to manufacture in the United States under the brand names "GSmoke," "Main Street" and "Sport." Tantus currently has plans in place for its Berley, Berkley, Dillon, Dixon, 24/7, Superior and Golden Blend brands of cigarettes.<sup>1 2</sup> The contact person for

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<sup>1</sup> A renewal equalization plan was approved for Berkley on May 30, 2007 and a copy is attached hereto as Exhibit "A." A renewal equalization plan for Berley cigarettes was approved by the FTC on August 16, 2006 (see Exhibit "B" attached hereto). An advertising plan for the Berkley and Berley brands was approved on August 30, 2005 (see Exhibit "C"). An equalization and advertising plan was approved by the FTC for Dillon, Dixon, 24/7 and Superior cigarettes on September 6, 2006 and a copy of the letter is attached hereto as Exhibit "D." An equalization and advertising plan was



the company will be its President, Brian Cooper, who can be reached at the above address. The plan we are proposing for the GSmoke, Main Street and Sport cigarettes is an equalization plan.

The brand styles of GSmoke, Main Street and Sport cigarettes Tantus intends to manufacture are listed, respectively, on Exhibits "H," Exhibit "I" and "J." Enclosed with our submissions of: June 11, 2007 (GSmoke), June 7, 2007 (Main Street) and June 5, 2007 (Sport) were the actual production packs and cartons (listed on Exhibits "H," "I" and "J") for the brand styles being submitted showing exactly where and how the four (4) Surgeon General's health warnings will appear on individual packs and cartons of GSmoke, Main Street and Sport Tantus will be manufacturing.

Tantus manufactured approximately [REDACTED] cigarettes (all were either Berkley or Berley brand cigarettes) in the fiscal year 2006. In fiscal year 2007 to date, it has manufactured approximately [REDACTED] cigarettes (all were Berkley or Berley brand cigarettes). Tantus anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles Berkley, Berley, Dillon, Dixon, 24/7, Superior, Golden Blend, Sport, Main Street and GSmoke) in fiscal year 2007. No GSmoke, Main Street or Sport cigarettes have been manufactured to date.

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

As a small manufacturer as defined by the Act, Tantus wishes to submit a plan to equalize for each brand style the health warning statements as required by 15 U.S.C. §1333(c) for its GSmoke, Main Street and Sport brands. Each of the four warning statements will appear on the packs and cartons of each brand style of cigarettes

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approved by the FTC for Golden Blend cigarettes on November 16, 2006 and a copy of the letter is attached hereto as Exhibit "E." Also approved on November 16, 2006 by the FTC was an expansion plan for packaging for the Berley brand attached hereto as Exhibit "F." An expanded advertising plan to include billboards was approved on January 22, 2007 and the FTC approval letter is attached as Exhibit "G."

<sup>2</sup> An equalization plan for Sport cigarettes was originally submitted to the FTC on June 5, 2007 and an equalization plan for Main Street cigarettes was originally submitted to the FTC on June 7, 2007 and GSmoke on June 11, 2007. All three are currently awaiting approval.

manufactured by Tantus an equal number of times in the one year period beginning on the date this plan is approved.

The individual packs of GSmoke, Main Street and Sport cigarettes to be manufactured by Tantus will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will also have the proper health warnings printed directly on the cartons by the manufacturer. Tantus will keep a running total of the number of cartons and packs it manufactures with each warning label for each brand style.

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

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

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. Tantus shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to: (1) provide by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) prevent the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

#### **Advertising Plan**

Tantus, which already has a Surgeon General's Warning Rotation Plan in place for labeling its Berkley, Berley, Dillon, Dixon, 24/7, Superior and Golden Blend brands of cigarettes (see Exhibits "A," "B," "D," "E" and "F"), and advertising plans for the same brands (see Exhibits "C" "D," "E" and "G"), now wishes to present an advertising rotation plan for its GSmoke, Main Street and Sport brands of cigarettes. It, therefore, proposes the

following plan for their GSmoke, Main Street and Sport brands of cigarettes as required by Paragraphs 2 and 3 of Sub-section (a) of Section 4 of the Federal Cigarette Labeling and Advertising Act of 1964, as amended (15 U.S.C. § 1331 *et seq.*) (the "Act"). These sections provide for the placement of certain Surgeon General Health Warnings in advertisements for cigarettes within the United States. This Advertising Quarterly Rotation Plan is being submitted to the Federal Trade Commission ("FTC") pursuant to Section 4(c) of the Act.

1. Advertisements (other than billboard advertisements):

- A. Pursuant to the requirements of Section 4(a)(2) of the Act, Tantus will rotate quarterly, in alternating sequence, the four Surgeon General's Health Warnings on all advertisements it produces for the GSmoke, Main Street and Sport brand of cigarettes. The advertising rotation sequence is set forth in Exhibit "K" attached hereto.<sup>3</sup>
- B. Any advertisement appearing in an issue of a newspaper, magazine or other periodical shall bear the health warning statement referenced in the plan for the quarter in which the cover date falls; provided that any advertisement appearing in an issue of a newspaper, magazine or other periodical having a cover date that encompasses a period of more than one calendar month shall bear the label statement for the quarter during which such issue is first scheduled for sale or distribution to the public.
- C. Any advertisement prepared for public transit facilities or vehicles, point-of-sale promotional materials for which a label statement is required, and non-point-of sale leaflets, direct mail circulars, paperback book inserts and programs shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such advertisement is thereafter published, distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.
- D. Any advertisements prepared for vending machines pursuant to a contract for advertisements or cigarette package display panels (excluding contracts for column placements) shall bear the label statement for the quarter in which mechanical artwork for such advertisement is first delivered in final form for engraving or comparable production, regardless of the date(s) on which such

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<sup>3</sup> Exhibit "K" also contains the advertising rotation schedule of all of the Tantus cigarette brands.

advertisement is thereafter distributed, installed or displayed; provided, however, that the deliveries described in this paragraph shall be made in a manner that is consistent with customary business practices or with business considerations unrelated to the rotation obligation imposed by this paragraph.

- E. Each advertisement (other than outdoor billboard advertisements and advertisements in newspapers, magazines and other periodicals), shall bear a reference, in code or otherwise, indicating the calendar quarter in which the mechanical artwork therefor was first delivered in final form for engraving or comparable production.
- F. Tantus will utilize the English language formats that were submitted with the 1985 plans of the five leading U.S. cigarette manufacturers and intends to use these formats on all their advertising materials. These formats cover all advertising from zero square inches to 10 square feet (as printed on the FTC website as Cigarette Memo Exhibits 1 through 7). At this time, all of Tantus' advertising will be in English so only English language warnings will be used. If this changes, Tantus will notify the FTC and modify its plan accordingly. All the warning statements used by Tantus in any of its advertising will use black print on a white background. Tantus will use the formats on all its advertisements as follows:

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 1.	0 to 65 square inches	Exhibit 1 or 1(a)
Category 2.	Over 65 to 110 square inches	Exhibit 2 or 2(a)
Category 3.	Over 110 to 180 square inches	Exhibit 3
Category 4.	Over 180 to 360 square inches	Exhibit 4
Category 5.	Over 360 to 470 square inches	Exhibit 5
Category 6.	Over 470 to 720 square inches	Exhibit 6
Category 7.	Over 5 to 10 square feet	Exhibit 7

Printed samples of the health warning formats to be used by Tantus are attached hereto as composite Exhibit "L".

2. Outdoor Billboard Advertisements:

Tantus has a billboard advertising plan in place which was approved by the FTC on

January 22, 2007 for its Berkley, Berley, 24/7, Dixon, Dillon, Superior and Golden Blend brands (attached hereto as Exhibit "G"). Tantus is in full compliance with this plan and now wishes to add the GSmoke, Main Street and Sport brands to its outdoor billboard advertisement plan.

(a) Tantus will use the billboard health warnings set forth in 15 U.S.C. § 1333(a)(3) on all its advertisements ranging in size from 160 sq. ft. to 1,200 sq. ft. Printed samples of the health warnings to be used by Tantus were included with our submission of January 2, 2007. Please be advised that due to the enormous size of the billboard health warnings, all the samples provided at that time were 1/10 of the actual size in all dimensions of the warnings that will actually be placed on the billboards. At this time, all of Tantus' advertising will be in English so only English language formats will be used. The dimensions of Tantus' largest ad will be no more than 1,200 square feet. If this changes, Tantus will notify the FTC and modify its plan accordingly. All the warning statements used by Tantus in any of its advertising will use black print on a white background. The warnings will be rotated as set forth in the chart attached hereto as Exhibit "M."

CATEGORY	SIZE OF ADVERTISEMENT	WARNING STATEMENT
Category 12.	160 to 350 square feet	Exhibit 12
Category 13.	350 to 1,200 square feet	Exhibit 13

(b) Upon approval of this plan, any outdoor billboard advertisement prepared for posting, painting or installation shall bear the label statement referenced in Exhibit "M" for the appropriate brand and calendar quarter when the first posting, painting or installation of such advertisement, as proposed at the time of delivery of mechanical artwork for such advertisement in final form for engraving, painting or comparable production shall fall. If, at any time, an outdoor billboard advertisement is substantially repainted or refurbished, the appropriate health warning for that calendar quarter, as set forth in Exhibit "M" shall be used on the billboard.

3. Multiple Brand Advertising:

In advertisements within the United States for more than one brand of cigarettes, or which are not for a specific brand, the label statements required by Section 4(a)(2) of the Act shall be rotated as provided for in paragraph 1 in the Berkley cigarette advertising plan approved by the FTC on August 30, 2005. The sequence for Berkley will be used because it was the first brand listed in the first Tantus advertising plan approved by the FTC.

4. Internet Advertising:

Please be advised that, at this time, Tantus does not advertise Berley, Berkley, Dixon, Dillon, 24/7, Superior, Golden Blend, Sport, Main Street or GSmoke on the internet. Before Tantus begins to advertise on the internet, it will notify the FTC and modify its plan accordingly.

5. Miscellaneous:

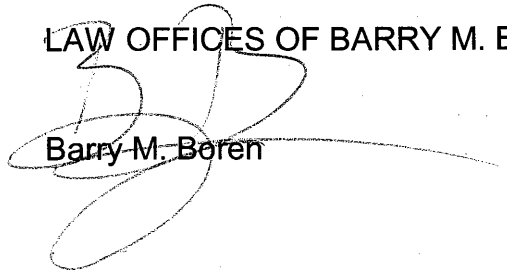
- A. Tantus shall be deemed to have satisfied its responsibilities under this Plan if it has taken reasonable steps to comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions or otherwise, for rotation of the label statements required by the Act in accordance with the pertinent provisions of this Plan, (2) when appropriate, furnishing materials for the production of advertisements bearing the label statement(s) required by the pertinent provisions of this Plan; and (3) preventing the recurrence of any mistakes, errors or omissions that have come to its attention.
- B. Nothing herein shall be construed to require the advertising of any cigarette during any period of time.
- C. No provision of this Plan and no action taken pursuant hereto or statement made in connection herewith constitutes or shall be construed as an admission in any judicial or administrative proceeding, in any private litigation, or in any official action, report or statement by the United States Government or any instrumentality thereof.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/lencs.



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

Division of Advertising Practices

May 30, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on May 23, 2007 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berkley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of March 9, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for packaging is hereby approved for eleven soft pack varieties of the Berkley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on May 29, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

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

Barry M. Boren, Esq.  
May 30, 2007  
Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

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

Mary K. Engle  
Associate Director





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

Division of Advertising Practices

August 16, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed August 14, 2005 on behalf of Tantus Tobacco, LLC. ("Tantus") calling for the simultaneous display of the four health warnings on the packaging of thirteen varieties of the Berley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 17, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for the display of the four health warnings on the packaging of the Berley brand is hereby approved for the Full Flavor King Size Box and Lights King Size Box varieties and the following eleven Soft Pack varieties: Full Flavor (Kings and 100's), Lights (Kings and 100's), Ultra Lights (Kings and 100's), Menthol (Kings and 100's), Menthol Lights (Kings and 100's), and Non-Filter kings. This approval is effective on the date of this letter and ends on August 15, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

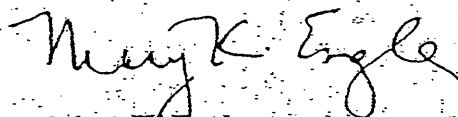
Barry M. Boren, Esq.

August 16, 2006

Page 2

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

Very truly yours,



Mary K. Engle  
Associate Director



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

Division of Advertising Practices

August 30, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, et seq. ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on August 23, 2005 calling for quarterly rotation of the four health warnings in advertising of the Berkley and Berley brands of cigarettes.

Tantus's plan for the rotation of the warnings in advertising of the Berkley and Berley brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Engle" followed by a stylized monogram.

Mary K. Engle  
Associate Director

---

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



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

Division of Advertising Practices

September 6, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on September 6, 2006 on behalf of Tantus Tobacco, LLC ("Tantus") calling for quarterly rotation of the four health warnings in the advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of the Full Flavor King Size Box variety of each of those brands.

Tantus's plan for the rotation of the warnings in advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes has been approved. Approval of the plan assumes the plan is implemented in good faith.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 15, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for the display of the four health warnings on packaging is hereby approved for the Full Flavor King Size Box variety of the 24/7, Dillon, Dixon, and Superior brands. This approval is effective on the date of this letter and ends on September 5, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services

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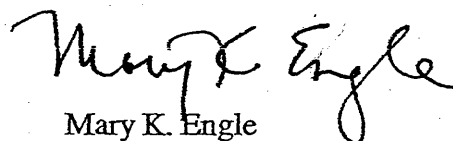
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
September 6, 2006  
Page 2

a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

November 16, 2006

Barry M. Boren, Esq.  
Datran One  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on November 8, 2006, calling for quarterly rotation of the four health warnings in advertising of the Golden Blend brand of cigarettes, and for the simultaneous display of the four health warnings on the packaging of nine soft pack varieties of that brand.

Tantus's plan for the rotation of the warnings in advertising of the Golden Blend brand of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your October 16, 2006 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Tantus' plan for the display of the four health warnings on packaging for the Golden Blend brand is hereby approved for the following nine soft pack varieties: Full Flavor kings, Light kings, Menthol kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s.<sup>1</sup> This approval is effective on the date of this letter and ends on November 15, 2007. Approval of the plan is contingent on its good faith

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<sup>1</sup> The approval of Tantus' cigarette health warning display plan is an approval of its plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of Tantus' packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not Tantus' packaging or advertising complies with relevant trademark law or with other applicable laws.

Barry M. Boren, Esq.

November 16, 2006

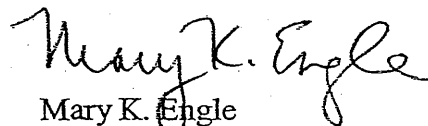
Page 2

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,



Mary K. Engle  
Associate Director

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



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

November 16, 2006

Barry Boren  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 14, 2006 plan filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berley brand of cigarettes. In a letter dated November 16, 2006, you now propose to expand Tantus' plan to include three additional box varieties of the Berley brand.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of November 6, 2006 appear to comply with the size and conspicuousness requirements of the Cigarette Act. Tantus' expansion of its plan for packaging is hereby approved for the following three king box varieties of the Berley brand of cigarettes: Ultra Lights, Menthol and Menthol Lights. This approval is effective on the date of this letter and ends on August 16, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

As a reminder, Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

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



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



Division of Advertising Practices

January 22, 2007

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 30, 2005 (Berkley and Berley), September 6, 2006 (24/7, Dixon, Dillon and Superior) and November 16, 2006 (Golden Blend) plans filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the quarterly rotation of the four health warnings in the advertising of the aforementioned brands. In a letter dated January 2, 2007, you now propose to expand Tantus' plan to include advertising between 160 and 1,200 square feet.

The expansion of Tantus' plan for the rotation of the warnings in advertising for the Berkley, Berley, 24/7, Dixon, Dillon, Superior, and Golden Blend brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

**EXHIBIT 'H' LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

**GSmoke Cigarettes**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Menthol King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box  
Menthol King Size Box

Full Flavor 100's Box  
Full Flavor 100's Box (Woman)  
Lights 100's Box  
Lights Box (Woman)  
Menthol Lights Box (Woman)

**EXHIBIT 'I' LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

**MAIN STREET CIGARETTES**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Menthol King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box

Full Flavor 100's Box  
Lights 100's Box  
Ultra Lights 100's Box

**EXHIBIT 'J' LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

**SPORT CIGARETTES**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Menthol King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box  
Menthol King Size Box

Full Flavor 100's Box  
Lights 100's Box  
Menthol 100's Box

**EXHIBIT "K"**  
**TANTUS TOBACCO, LLC**  
**CHART OF WARNINGS FOR ADVERTISING ROTATION**

<b>Brand Name</b>	<b>Quarter One Jan. 1<sup>st</sup> to March 31<sup>st</sup></b>	<b>Quarter Two April 1<sup>st</sup> to June 30<sup>th</sup></b>	<b>Quarter Three July 1<sup>st</sup> to Sept. 30<sup>th</sup></b>	<b>Quarter Four Oct. 1<sup>st</sup> to Dec. 31<sup>st</sup></b>
Berley	A	D	C	B
Berkley	B	A	D	C
24/7	C	B	A	D
Dixon	D	C	B	A
Dillon	A	D	C	B
Superior	B	A	D	C
Golden Blend	C	B	A	D
Sport	D	C	B	A
Main Street	A	D	C	B
GSmoke	B	A	D	C

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

**EXHIBIT "M"**  
**TANTUS TOBACCO, LLC**  
**CHART OF WARNINGS FOR**  
**BILLBOARD ADVERTISING**

<b>Brand Name</b>	<b>Quarter One Jan. 1<sup>st</sup> to March 31<sup>st</sup></b>	<b>Quarter Two April 1<sup>st</sup> to June 30<sup>th</sup></b>	<b>Quarter Three July 1<sup>st</sup> to Sept. 30<sup>th</sup></b>	<b>Quarter Four Oct. 1<sup>st</sup> to Dec. 31<sup>st</sup></b>
Berley	A	D	C	B
Berkley	B	A	D	C
24/7	C	B	A	D
Dixon	D	C	B	A
Dillon	A	D	C	B
Superior	B	A	D	C
Golden Blend	C	B	A	D
Sport	D	C	B	A
Main Street	A	D	C	B
GSmoke	B	A	D	C

A = SURGEON GENERAL'S WARNING:  
 PREGNANT WOMEN WHO SMOKE RISK FETAL INJURY AND PREMATURE BIRTH.

B = SURGEON GENERAL'S WARNING:  
 QUITTING SMOKING NOW GREATLY REDUCES SERIOUS HEALTH RISKS.

C = SURGEON GENERAL'S WARNING:  
 SMOKING CAUSES LUNG CANCER, HEART DISEASE, AND EMPHYSEMA.

D = SURGEON GENERAL'S WARNING:  
 CIGARETTE SMOKE CONTAINS CARBON MONOXIDE.

**Selected packaging samples from those  
submitted with the plan.**

Manufactured By  
Tantus Tobacco, LLC  
Russell Springs, KY  
866-747-0010  
MADE IN USA

TPKY15000



**GSMOKE**<sup>®</sup>



MADE IN USA

**GSMOKE**<sup>™</sup>

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

**GSMOKE**<sup>®</sup>



MADE IN USA

STS



**STARBUCKS**  
**SMOKE**  
**LIGHT 100'S BOX**

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

**STARBUCKS**

**SMOKE**  
**LIGHTS 100'S BOX**



**STARBUCKS**  
**SMOKE**  
**BOX**

20 CIGARETTES

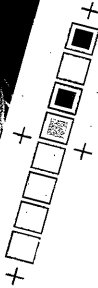
Made in USA

GSMOKE®  
FILTER 100'S

"The Woman"

GSMOKE®  
FILTER 100'S

GSMOKE®  
FILTER 100'S



WESTERN BLEND

FILTER 100'S

GSMOKE®  
"The Woman"

WESTERN BLEND

STS



Manufactured By  
Rustec Tobacco, LLC  
866-747-0070  
MADE IN USA  
TPKX15000

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

# GSMOKE<sup>®</sup>

MENTHOL LIGHTS

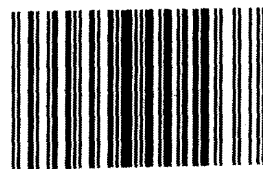


UNRIEND

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

# GSMOKE<sup>®</sup>

MENTHOL LIGHTS



# GSMOKE<sup>®</sup>

MENTHOL LI



MENTHOL LIGHT  
100'S

★  
**Main Street**<sup>®</sup>

Made in U.S.A.

MENTHOL LIGHT  
100'S

★  
**Main Street**<sup>®</sup>

Made in U.S.A.



★  
**Main Street**<sup>®</sup>  
MENTHOL LIGHT 100'S

STS

FULL FLAVOR  
KINGS BOX

★  
**Main Street**<sup>®</sup>

Made In USA

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

★  
**Main Street**<sup>®</sup>

FULL FLAVOR KINGS BOX

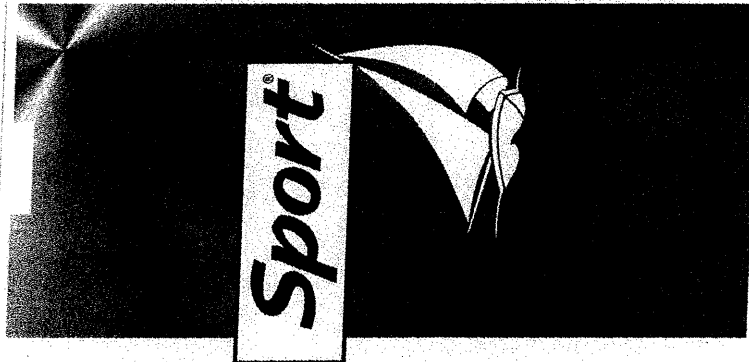


FULL FLAVOR  
KINGS BOX

★  
**Main Street**

Made In USA

Manufactured By  
Tantus Tobacco, LLC  
Russell Springs, KY  
866-747-0010  
MADE IN USA  
TPKY15000



LIGHT 100's  
**Sport**

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



STS

CLASS 1  
20  
CIGARETTES

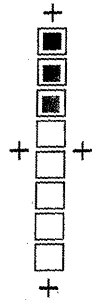
MENTHOL

MENTHOL KINGS

*Sport*<sup>®</sup>

MENTHOL

*Sport*<sup>®</sup>



STS

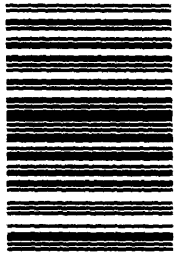
*Sport*<sup>®</sup>

MENTHOL KINGS



*Sport*<sup>®</sup>

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



LIGHT KINGS BOX



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

July 18, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC on July 9, 2007, calling for quarterly rotation of the four health warnings in advertising of the G-Smoke, Main Street and Sport brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of certain varieties of those brands.

Tantus Tobacco's plan for the rotation of the warnings in advertising of the G-Smoke, Main Street, and Sport brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tantus Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your June 5, 7, and 11, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Tantus Tobacco's plan for the display of the four health warnings on packaging for the G-Smoke brand is hereby approved for the following fifteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard pack), Ultra Light 100's soft pack, Menthol Kings (soft pack and hard pack), Menthol 100's soft pack, "Woman" Full Flavor 100's hard pack, "Woman" Light 100's hard pack, and "Woman" Menthol Light 100's hard pack. Tantus Tobacco's plan for the Main Street brand is hereby approved for the following thirteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard pack), Ultra Light 100's (soft pack and hard pack), Menthol King soft pack, Menthol 100's soft pack, and Menthol Light 100's soft pack. Tantus Tobacco's plan for the Sport brand is hereby approved for the following fourteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard

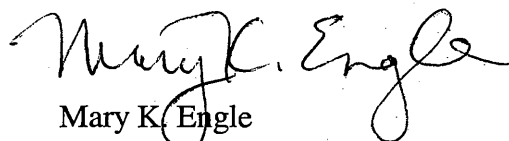
Barry M. Boren, Esq.  
July 18, 2007  
Page 2

pack), Ultra Light 100's soft pack, Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), and Menthol Light 100's soft pack.<sup>1</sup> This approval is effective on the date of this letter and ends on July 17, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>1</sup> The approval of Tantis Tobacco's cigarette health warning display plan is an approval of its plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of Tantis Tobacco's packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not Tantis Tobacco's packaging complies with relevant trademark law or with other applicable laws.

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

# Key-Stone Tobacco Inc.

(A Cigarette Manufacturing Industry)

4650 S.W. 51 ST # 713, Davie, FL -33314

Ph: 954-585-4667 | Fax: 305-947-0961 | Email: [Mhbabul@aol.com](mailto:Mhbabul@aol.com)

July 20<sup>th</sup>, 2007

Ms. Mary Engle  
Associate Director  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Washington D. C. - 20001

Dear Sir,

First of all, we thank you for your cooperation extended by your office to Key-Stone Tobacco Inc. We are really sorry to inform you that we forgot to file this application in due time.

Please be informed that Key-Stone Tobacco Inc. intends to continue the production and distribution of KEYSTONE brand cigarette for the year 2007. During this time, Key-Stone Tobacco Inc. wishes to continue the plan as submitted last year and approved by your office on January 24<sup>th</sup>, 2006. Key-Stone's plan for the KEYSTONE brand cigarette is for the following brand style, all in soft pack form, KEYSTONE Full Flavor 100's, KEYSTONE Light 100's, KEYSTONE Menthol 100's, KEYSTONE Menthol Light 100's and KEYSTONE Ultra Light 100's. There is no change in any packs and cartons as we submitted earlier.

Key-Stone Tobacco Inc. will equalize the four health warnings on the packs and cartons of each brand style of KEYSTONE cigarettes for the one year period, beginning on the date of approval of this plan.

The total sale of Key-Stone Tobacco Inc. for 2006 for KEYSTONE brand cigarettes was [REDACTED] sticks. Total cigarette sale of any brand and style carried by Key-Stone Tobacco Inc. will not exceed [REDACTED] sticks for a period of next one year.

# Key-Stone Tobacco Inc.

(A Cigarette Manufacturing Industry)

4650 S.W. 51 ST # 713, Davie, FL -33314

Ph: 954-585-4667 | Fax: 305-947-0961 | Email: [Mhbabul@aol.com](mailto:Mhbabul@aol.com)

Key-Stone Tobacco Inc. will maintain the proper record, demonstrating compliance with their proposed plan. At the moment, we do not have any plan for advertisement, but when we decide in this regard, we will submit the plan to Federal Trade Commission for necessary approval.

Once more we apologize for the delay in filing, which was a human error. Your immediate action will be highly appreciated.

If there is any question in this regard, please call the undersigned at his cellular phone number 954-520-5116.

With thanks and best regards,

Very Truly Yours,  
Key-Stone Tobacco Inc.



Mohammed H. Babul  
President



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

Division of Advertising Practices

July 31, 2007

Mr. Mohammed Hai Babul  
President  
Key-Stone Tobacco, Inc.  
4650 SW 51<sup>st</sup> Street  
Bay #713  
Davie, FL 33314

Dear Mr. Babul:

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 proposed plan filed by Key-Stone Tobacco, Inc. on July 20, 2007, calling for the simultaneous display of the four health warnings on packaging of certain varieties of the "Keystone" brand of cigarettes.

Key-Stone Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your November 19, 2004 letter appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Key-Stone Tobacco's plan is hereby approved for the following five soft pack varieties of the Keystone brand of cigarettes: Full Flavor 100's, Light 100's, Menthol 100's, Menthol Light 100's and Ultra Light 100's. This approval is effective on the date of this letter and ends on July 30, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Key-Stone Tobacco does decide 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.

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

Mr. Mohammed Hai Babul  
July 31, 2007  
Page 2

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

A handwritten signature in cursive script that reads "M2 for Mary Engle".

Mary K. Engle  
Associate Director

**Black Hawk**



**Tobacco Inc.**

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

July 25, 2007

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Finegold,

This plan is being submitted as a supplement of the original plan for Black Hawk Tobacco brand cigarettes that was approved on 9/13/2006. Black Hawk Tobacco, Inc. wishes to add six 100's size box varieties of the Black Hawk brand: Menthol, Menthol Light, Full Flavor, Menthol Ultra Light, Light and Ultra Light. The Black Hawk brand is manufactured by Joseph M. Anderson d/b/a Smokin Joes for Black Hawk Tobacco, Inc. Upon approval of this plan, the contract manufacturer intends to manufacture these cigarettes under the authority of the Alcohol and Tobacco Tax and Trade Bureau (Manufacturer of Tobacco Products License TP-NY-168).

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted with my letter dated 5/16/2007. Regardless of the overall appearance of the label and carton, a white background consistently embodies the government warning with black type in order to maximize the contrast and visibility of the image.

Black Hawk Tobacco, Inc. 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. Black Hawk Tobacco, Inc. has never sold the following six 100's size box varieties of the Black Hawk brand: Menthol, Menthol Light, Full Flavor, Menthol Ultra Light, Light and Ultra Light, therefore sales estimates for the 2007 year have been provided on Exhibit A for those styles. The Black Hawk cigarette brand is the only contracted cigarette brand of Black Hawk Tobacco, Inc. and the most that Black Hawk Tobacco, Inc. anticipates selling of any one Black Hawk cigarette style in a fiscal year is [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 each of the packs and cartons of the following six 100's size box varieties of the Black Hawk brand: Menthol, Menthol Light, Full Flavor, Menthol Ultra Light, Light and Ultra Light an equal number of times for the one year period beginning on the date this plan expansion is approved. To ensure the cigarette health warnings appear on the above listed brand styles an equal number of times throughout the plan year, the manufacturer will store and load the raw material

packaging inventory into the packaging machines alternating the four health warnings equally.

At this time, Black Hawk Tobacco, Inc. will be advertising only on the Internet. The websites that Black Hawk Tobacco, Inc. advertises cigarettes on are blackhawkcigarettes.com and blackhawktobaccoinc.com . In Internet advertising the warnings will be displayed in an unavoidable manner on every WebPage where it may be viewed without scrolling and shall not be accessed through hyperlinks, pop ups, interstitials, or other similar means. We will use the warning formats that were submitted with the 1985 plans of the five US leading manufacturers, and the size of the warning shall be proportionate to those warning formats. The warnings will be rotated quarterly according to the schedule set-out at Exhibit B. Attached to this letter as Exhibit C are sample WebPages showing the placements of the warnings on our website. If in the future Black Hawk Tobacco, Inc. decides to engage in print advertising, Black Hawk Tobacco, Inc. will submit a plan to the FTC.

Smokin Joes, the contract manufacturer, and Black Hawk Tobacco, Inc. are aware of the requirements set forth by the Federal Trade Commission in the Cigarette Labeling and Advertising Act and the companies' efforts are always to be fully compliant with the regulations. Black Hawk Tobacco, Inc. will maintain records 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 these plans, please contact me.

Sincerely,



Frederick A. McAllister  
C.E.O.

Enclosures



# EXHIBIT A

PRODUCT	STICKS*
Black Hawk Full Flavor 100 size Box	[REDACTED]
Black Hawk Light 100 size Box	[REDACTED]
Black Hawk Menthol 100 size Box	[REDACTED]
Black Hawk Menthol Light 100 size Box	[REDACTED]
Black Hawk Ultra Light 100 size Box	[REDACTED]
Black Hawk Menthol Ultra Light 100 size Box	[REDACTED]

^Estimated 2007 Annual Stick Sales Figures [REDACTED]

PRODUCT (TOP SELLING SKU)	STICKS*
FILL IN WITH ANTICIPATED TOP SELLER OF ALL STYLES	

PRODUCT	STICKS*
Black Hawk Full Flavor 100 size Box	[REDACTED]
Black Hawk Light 100 size Box	[REDACTED]
Black Hawk Menthol 100 size Box	[REDACTED]
Black Hawk Menthol Light 100 size Box	[REDACTED]
Black Hawk Ultra Light 100 size Box	[REDACTED]
Black Hawk Menthol Ultra Light 100 size Box	[REDACTED]

Sales for Fiscal Year 2007 Stick Sales Figures [REDACTED]

# Exhibit B

## Rotation Plan for Internet Advertising

Quarter	Black Hawk Cigarette Brand
Q1 Jan, Feb, March	A
Q2 April, May, June	B
Q3 July, Aug, Sept	C
Q4 Oct, Nov, Dec	D

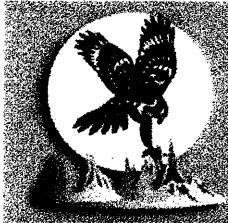
“A” SURGEON GENERAL’S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

“B” SURGEON GENERAL’S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

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

“D” SURGEON GENERAL’S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Black Hawk Cigarettes - The New All Natural Native American Cigarette Brand



# Black Hawk Cigarettes

## 100% Natural

Native American Made in the USA



1-877-448-6222

Home Mail Order Our Location Contact Compare WebTV Help Forum

WebTV

Our Brands

Black Hawk Cigarettes

Kings in a Box  
100s in a Soft Pack

Seneca Cigarettes

Skydancer Cigarettes

Buffalo Cigarettes

Smokin Joes Cigarettes

Exact Elite Cigarettes

Native All Natural

Opal 120 Cigarettes

Texas Republic Premium Cigarettes

Smokin Joes Little Cigars

- Cherry
- Vanilla
- Peach
- Grape
- Strawberry
- Menthol
- Full Flavor
- Lights

Skydancer Premium Little Cigars

Order Cigarettes



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



Starting immediately, Black Hawk is now using the TeleCheck PayIt sm service to process all check orders. In comparison to traditional paper processing, the TeleCheck PayIt sm service is a faster, easier and more secure way to process remittance payments.

Find out more: Black Hawk Payment Policies.  
TeleCheck Information: TeleCheck.com or call 1-800-TELECHECK .

### Black Hawk Tobacco, Inc.

Welcome to the Black Hawk Tobacco Shop. Here you'll find the largest assortment of Native American made tobacco and cigarette products online. We have a simple business philosophy. We strive to combine affordable Native American made products with high quality service. We are a brick and mortar based company, located on the Agua Caliente Indian Reservation in Palm Springs, California. You'll find, just like the thousands of customers before you, that the quality of our customer service department is unsurpassed.

Why are our cigarette products so affordable? We don't have multi-billion dollar ad campaigns to support is one reason. We've cut out all the excess. When you buy our products you are paying for tobacco, not our advertising department.

### Our Native Made Cigarettes

Are our cigarettes nicotine free? No! Our Native made cigarettes contains nicotine. However, our tobacco only contains the pure natural nicotine that organically comes in the tobacco plant. None of our cigarettes have been artificially enhanced.

### High Quality Native American Made Tobacco

After you experience our friendly mail order service and the high quality of our Native made tobacco products, you'll see why our customers visit us again and again. We treat our customers like we like to be treated and we sell the high quality Native Made Tobacco that we enjoy smoking.

So smoke and enjoy.

### Black Hawk Tobacco Shop Cigarette Newsletter

If you would like to know more about Native American made tobacco products, please sign up for our newsletter.

Name:

Email:

send

**LIVE HELP**



**Questions**  
Call us Toll Free:  
1-877-448-6222  
Human help for quick, easy orders  
Mon - Sat 10AM - 4PM

### Black Hawk Tobacco Shop Tax Policy

In the tradition of free democracy in the United States, all orders at the Black



Black Hawk 100% Natural Cigarettes



Native American Premium Cigarettes



Super Thin Cigarettes



Deluxe Cigarettes



Premium Cigarettes



Exact Elite Cigarettes



Premium Cigarettes



Smokin Joes Little Cigars



Black Hawk Forum



Hawk Tobacco Shop are confidential.

We are a Native American owned and operated company located on Sovereign Native American land selling Native American made tobacco products to Native Americans and Non-Native Americans.

Because we are located on the Sovereign Aqua Caliente Reservation we can legally sell our Native American made tobacco products nation-wide.

There is no such thing as legally tax free cigarettes. We pay all Federal taxes that apply to our products and will continue to do so. Other taxes may apply in other parts of the nation.

**It is the buyers responsibility to determine whether or not taxes are due outside of Native American Tribal Territory.**



**Smokin Joes**  
100% Natural Tobacco

**NATIVE**  
All Naturals Cigarettes

Smoker's Resources

[Home](#) [WebTV](#) [FAQ](#) [Newsletter](#) [Privacy Policy](#) [Links](#) [Terms of Service](#) [Survey](#) [Glossary](#) [14 Reasons](#) [Classifieds](#)

**SURGEON GENERAL'S WARNING:**

**Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.**

©2003 - 2007 Black Hawk Tobacco, Inc.

Native American Cigarettes -  
For Those Who Like to Smoke Natural Tobacco.



**Selected packaging samples from those  
submitted with the plan.**

ULTRA LIGHTS BOX 100'S

MADE IN THE USA

UNDERAGE SALE PROHIBITED

Black Hawk

ULTRA LIGHTS BOX 100'S

ULTRA LIGHTS BOX 100'S

Black Hawk



MADE IN THE USA



017643

Black Hawk

ULTRA LIGHTS BOX 100'S

2  
20-02362  
CM



MADE IN THE USA



20 CLASS A CIGARETTES  
PRODUCED BY TPNV168  
Questions or Comments Call:  
1-877-448-0222

100% 100% 100%

Black Hawk

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



**Black Hawk**  
 100% Natural  
**ENTHOL LIGHTS BOX 100'S**



**Black Hawk**  
 100% Natural  
**ENTHOL LIGHTS BOX 100'S**

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



**ENTHOL LIGHTS BOX 100'S**  
 MADE IN THE USA

**ENTHOL LIGHTS BOX 100'S**  
 MADE IN THE USA



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

Division of Advertising Practices

August 6, 2007

Mr. Frederick A. McAllister  
Black Hawk Tobacco, Inc.  
1751 Sunrise Way, Suite D-2  
Palm Springs, CA 92262

Dear Mr. McAllister:

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, on September 13, 2006, I approved a plan filed by Black Hawk Tobacco, Inc., calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the “Black Hawk” brand of cigarettes. On March 1, 2007, I approved an expansion of your plan to include an additional variety of the Black Hawk brand. In a letter dated July 25, 2007, you now propose a plan for quarterly rotation of the four health warnings in Internet advertising of the Black Hawk brand, and to expand your plan for the display of the health warnings in packaging to include six additional hard pack varieties of the brand.

Your plan for the rotation of the four health warnings in Internet advertising of the Black Hawk brand has been approved. Approval of the plan assumes that the plan is implemented in good faith. The approval of your plan for the rotation of the health warnings in Internet advertising is not a determination as to the legality of advertising cigarettes on the Internet. With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact DOJ directly (Alex Belser at 202-353-3881) to determine whether such advertising on the Internet is permissible.

Black Hawk Tobacco’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your May 16, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Black Hawk’s expansion of its plan for the Black Hawk brand is hereby approved for the Full Flavor 100's, Light 100's, Ultra Light 100's, Menthol 100's, Menthol Light 100's, and Menthol Ultra Light 100's hard pack varieties. This approval is effective on the date of

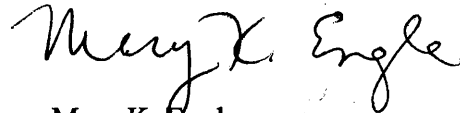


Mr. Frederick A. McAllister  
August 6, 2007  
Page 2

this letter and ends on August 5, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,



Mary K. Engle  
Associate Director

---

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

July 26, 2007



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

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

RE: Cigarette Health Warning Rotation Plan

Dear Ms. Engle,

This letter is being submitted for the approval of the alternative method to the quarterly Surgeon General Warning rotation plan for packaging of Smokin Joe's Menthol 100 size box, Smokin Joes Menthol Light 100 size box, Market Menthol 100 size box, and Market Menthol Light 100 size box, manufactured by Joseph M. Anderson d/b/a Smokin Joes. Upon approval of this plan, the manufacturer intends to sell these cigarettes, under the authority of the Alcohol and Tobacco Tax and Trade Bureau, formerly the Bureau of Alcohol, Tobacco & Firearms (License #TP NY 168).

These cigarettes will be packaged in 200 count cartons ("Outer Cartons"). Each Outer Carton will contain ten (10) packs of twenty (20) cigarettes each ("Pack"). The warnings will appear exactly as they do on the actual pack labels and cartons submitted with this letter. Regardless of the overall appearance of the label and carton, a white background consistently embodies the government warning with black type in order to maximize the contrast and visibility of the image

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. Smokin Joes has never sold Smokin Joe's Menthol 100 size box, Smokin Joes Menthol Light 100 size box, Market Menthol 100 size box, and Market Menthol Light 100 size box, therefore sales estimates for the 2007 year have been provided on Exhibit A for those styles. On a letter dated April 25, 2000, the FTC approved the plan for the rotation of the warnings on packaging of Smokin Joes brand cigarette styles and Market brand cigarette styles noted on a Smokin Joes submission letter dated February 16, 2000 (FTC approval on April 25, 2000, indicates that Smokin Joes Natural and Smokin Joes are the same brand, when they are in fact separate brands that use the same quarterly rotation schedule.). Smokin Joes is still in compliance and at this time wishes to remain on the

800-274-8010

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

quarterly rotation plan for those styles. Smokin Joes manufactures and imports a number of cigarette brand styles, of all Smokin Joes manufactured and imported cigarette brand styles, over the last calendar year (January 1, 2006 – December 31, 2006), the biggest seller was SMOKIN JOES FF 100'S SOFT PACK, 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 each of the packs and cartons of Smokin Joe's Menthol 100 size box, Smokin Joes Menthol Light 100 size box, Market Menthol 100 size box, and Market Menthol Light 100 size box 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 each of the above listed 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 equally.

Smokin Joes continues to be in compliance with its plans for advertising its cigarettes that were approved by the FTC on letters dated April 25, 2000, June 24, 2004, and September 14, 2005. A letter requesting approval for the warning rotation plan and acetates used in print media of all dimensions for the advertising of any and all Smokin Joes owned cigarette brands will be submitted to the FTC for approval before print ads meeting that criteria are produced.

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 records 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.

Sincerely,



Karen E. Delaney x225  
Tax Compliance Manager

# EXHIBIT A

PRODUCT	STICKS <sup>^</sup>
SMOKIN JOES MENTHOL 100 SIZE BOX	
SMOKIN JOES MENTHOL LIGHT 100 SIZE BOX	
MARKET MENTHOL 100 SIZE BOX	
MARKET MENTHOL LIGHT 100 SIZE BOX	

<sup>^</sup>Estimated 2007 Annual Stick Sales Figures

PRODUCT (TOP SELLING SKU) Jan 1 - Dec 31, 2006	STICKS
SMOKIN JOES FULL FLAVOR 100 SIZE SOFT PACK	

Selected packaging samples from those  
submitted with the plan.

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



**Smokin Joes**  
BRAND  
SMOKIN JOES  
LEWISTON, NY 14092  
www.smokinjoes.com

7 99170 00016 2

FOR QUESTIONS OR COMMENTS CALL:  
1-800-274-8010

**100'S**

20 CLASS A CIGARETTES

12  
20-02372  
LC

017833  
R2

MENTHOL BOX 100'S

20 CLASS A CIGARETTES

**100'S**



MENTHOL BOX

MENTHOL BOX 100'S

MENTHOL BOX

UNDERAGE  
SALE  
PROHIBITED

MADE IN  
U.S.A.

MENTHOL LIGHTS  
BOX 100's



Smokin Joes<sup>®</sup>  
BRAND



Smokin Joes<sup>®</sup>  
BRAND

MENTHOL LIGHTS BOX 100's

Smokin Joes<sup>®</sup>  
BRAND



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



BOX 100's

# Market.



## 100's

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



7 99170 00010 0

FOR QUESTIONS OR COMMENTS CALL:  
1-800-274-8010

### Market.

SMOKIN JOES  
LEWISTON, NY 14092  
www.smokinjoes.com

20 CLASS A CIGARETTES

# Market.

MENTHOL LIGHTS BOX 100'S

20 CLASS A CIGARETTES

20-02371  
QS  
5

017825  
100'S

## 100'S



# Market.

MENTHOL LIGHTS BOX

MENTHOL LIGHTS BOX 100'S

# Market.

MENTHOL LIGHTS BOX

UNDERAGE  
SALE  
PROHIBITED

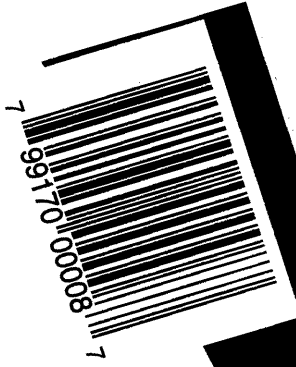
MADE IN  
U.S.A.



**Market<sup>®</sup>**

**MENTHOL BOX 100'S**

**Market<sup>®</sup>**  
**MENTHOL BOX 100'S**



**Market<sup>®</sup>**  
**MENTHOL BOX 100'S**

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



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

Division of Advertising Practices

August 8, 2007

Ms. 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 proposed plan filed by Joseph M. Anderson d/b/a Smokin Joes ("Smokin Joes") on July 26, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Smokin Joes and Market brands of cigarettes.

Smokin Joes' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your July 26, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Smokin Joes' plan for the simultaneous display of the four health warnings on packaging is hereby approved for two hard pack varieties of the Smokin Joes brand (Menthol 100's and Menthol Light 100's), and two hard pack varieties of the Market brand (Menthol 100's and Menthol Light 100's). This approval is effective on the date of this letter and ends on August 7, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

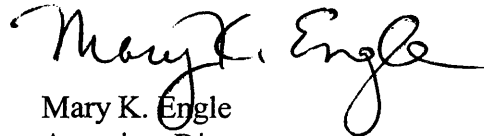
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Karen E. Delaney  
August 8, 2007  
Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

  
Mary K. Engle  
Associate Director



# Cheyenne

INTERNATIONAL, LLC

August 6, 2007

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

Re: Rotation Plan: Cheyenne & Decade brands

Dear Ms. Engle,

Cheyenne International, LLC is a tobacco products manufacturer (ATF permit # TP-NC-645). The Company's fiscal year is the calendar year. We manufacture four brands of cigarettes: Cheyenne, Decade, 901'Z and Cayman. The 901'Z and Cayman brands are on separately approved rotation plans with effective dates of March 14, 2007 and June 11, 2007, respectively. With this letter we are seeking a renewal of our plan for the Cheyenne and Decade brands.

We have 11 styles of Cheyenne, all in hard box:

Cheyenne Full Flavor King's  
Cheyenne Light Flavor King's  
Cheyenne Ultra Light Flavor King's  
Cheyenne Menthol Flavor King's  
Cheyenne Menthol Light Flavor King's  
Cheyenne Non Filter King's  
Cheyenne Full Flavor 100's  
Cheyenne Light Flavor 100's  
Cheyenne Ultra Light Flavor 100's  
Cheyenne Menthol Flavor 100's  
Cheyenne Menthol Light Flavor 100's

701 S. Battleground Avenue  
Grover, North Carolina 28073

We have 10 styles of Decade, all in hard box:

Decade Full Flavor King's  
Decade Light Flavor King's  
Decade Ultra Light Flavor King's  
Decade Menthol Flavor King's  
Decade Menthol Light Flavor King's  
Decade Full Flavor 100's  
Decade Light Flavor 100's  
Decade Ultra Light Flavor 100's  
Decade Menthol Flavor 100's  
Decade Menthol Light Flavor 100's

In our submission of August 7, 2006 were samples of actual cartons and packs displaying the four different required warnings. The warnings will appear exactly as shown on those samples. Our packaging has not changed since our prior submission.

The Company wishes to continue to use the option provided by Section 1333(c)(2) of the Cigarette Act. The four warnings will be displayed an equal number of times on the packs and cartons of each brand style during the one year period beginning on the date of the approval of this plan.

Cheyenne International, LLC also manufactures the 901'Z and Cayman brands. Included with this letter is Exhibit 1 that is a tabular statement of sales volume by brand style for the previous fiscal year, as well as the anticipated sales for the one year period covered by the respective rotation plan for the brands.

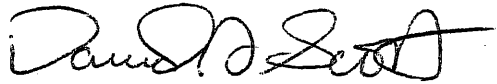
The way that we will ensure that all four warnings will be equally displayed on the packs and cartons of each brand style throughout the year will be through our printing process. Our printer will print cartons 4 to a sheet – each carton on the sheet will have a different warning. Similarly, the printer will print 16 packs to a sheet with the 4 different warnings repeated 4 times. Every print run of cartons and packs will therefore have an equal distribution of warnings and accordingly our manufacturing runs will have an equal distribution of warnings. The result should be an equal distribution of warnings on cigarettes sold throughout the year. We will maintain sufficient records to demonstrate compliance with the plan. If by the end of the year equalization of warnings on packs and cartons has not been achieved, the Company will take steps, such as placing special orders of packaging, to ensure warning label equalization.

We do not intend to advertise our brand to consumers. If we decide to advertise to consumers, we will submit a plan to the FTC for review and approval before engaging in any consumer advertising.

701 S. Battleground Avenue  
Grover, North Carolina 28073

If you have any questions, please do not hesitate to call me at (704) 937-7200.  
We appreciate your attention to our plan submission.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Scott". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

David A. Scott  
Chief Financial Officer

CHEYENNE INTERNATIONAL, LLC  
 (all styles are hard pack, called "box")

			Actual	Anticipated
			Previous	Current
			Fiscal	Rotation
			Year (2006)	Plan Year
Brand	<b>Cheyenne</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Full Flavor 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>Decade</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Full Flavor 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>901'Z</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Menthol 100's		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand	<b>Cayman</b>		[REDACTED]	[REDACTED]
Highest Selling Style	Light Flavor King		[REDACTED]	[REDACTED]
Highest Selling Style %			[REDACTED]	[REDACTED]
Brand Totals			[REDACTED]	[REDACTED]

Approximately [REDACTED] % of all cigarettes sold in the US in 2006



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

Division of Advertising Practices

August 14, 2007

David Scott  
Chief Financial Officer  
Cheyenne International, LLC  
701 S. Battleground Avenue  
Grover, North Carolina 28073

Dear Mr. Scott:

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 the proposed plan filed by Cheyenne International, LLC ("Cheyenne") on August 6, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain box varieties of the "Cheyenne" and Decade brands of cigarettes.

Cheyenne's sales appear to qualify for the aforementioned alternative to the quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 7, 2006 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Cheyenne's plan for packaging is hereby approved for eleven box varieties of the "Cheyenne" brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and for ten box varieties of the Decade brand (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s). This approval is effective on the date of this letter and ends on August 13, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

If Cheyenne does decide 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.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

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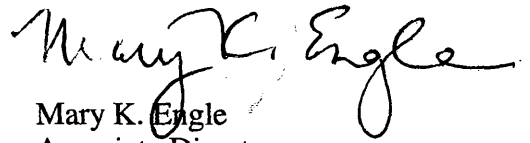
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.



David Scott, Chief Financial Officer  
August 14, 2007  
Page 2

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

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



# CONTINENTAL TOBACCO USA, LLC.

---

August 13, 2007

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

Dear Ms. Engle:

Continental Tobacco USA respectfully submits to the Federal Trade Commission the following documentation in accordance with the Federal Cigarette Labeling and Advertising Act.

**1) Packaging**

- A) *Warning Label Size and Location:* Continental Tobacco Corporation Hungary will manufacture the brand QUICK 40 for import and sale via Continental Tobacco USA in the United States market. The QUICK 40 brand will be manufactured in two styles only: full-flavor and full-flavor menthol. The warnings will appear exactly as shown on the revised samples submitted with my July 27, 2007 letter.
- B) *Warning Label Rotation:* Continental Tobacco USA respectfully requests permission to display the four warnings an equal number of times during the year on the packs and cartons of each brand style. (In accordance to Section 1333(c)(2) – as the company's annual sales of both brand styles are less than one-fourth of one percent of all of the cigarettes sold in the United States and more than half the cigarettes to be imported by Continental Tobacco USA are packaged into brand styles that meet this low sales threshold.) We've not yet imported or sold any cigarettes. Our expectations for the year covered by the plan are a total sales volume of [REDACTED] per month beginning October 1, 2007 (following all necessary Federal approvals). Of the total sales, expectations are for sales of [REDACTED] full-flavor QUICK 40 sticks and [REDACTED] menthol. All four warnings will be displayed on the packs and cartons of each brand style an equal number of times for a one year period beginning on the date this plan is approved.
- C) Continental Tobacco USA will maintain sufficient records to demonstrate compliance with the plan filed.

- 2) Advertising:** In its advertising, Continental Tobacco USA will utilize the warning formats that were submitted with the 1985 plans of the five leading US cigarette manufacturers and Continental Tobacco USA will place the warnings as specified in those plans. We have attached a copy of the formats that we will be using. The size of our advertising will not exceed 470 square inches.

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**CONTINENTAL TOBACCO USA, LLC.**

1221 Brickell Avenue, Suite 922 • Miami, FL 33131 USA • Tel: +1/305-347-5136 • Fax: +1/305-374-6146  
www.continentaltobacco.com • anne.kovach@continentaltobacco.com

- A) *Warning Label Rotation*: We will rotate the warnings quarterly according to the following schedule:

**Quick 40**

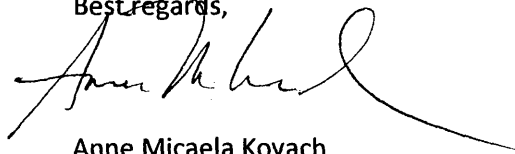
1 <sup>st</sup> Quarter (January-March)	Warning A
2 <sup>nd</sup> Quarter (April-June)	Warning B
3 <sup>rd</sup> Quarter (July – September)	Warning C
4 <sup>th</sup> Quarter (October – December)	Warning D

- A. **SURGEON GENERAL'S WARNING:** Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
  - B. **SURGEON GENERAL'S WARNING:** Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
  - C. **SURGEON GENERAL'S WARNING:** Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.
  - D. **SURGEON GENERAL'S WARNING:** Cigarette Smoke Contains Carbon Monoxide.
- B) Continental Tobacco USA will NOT engage in advertising in a language other than English nor advertise in a foreign language publication.
- C) Although Continental Tobacco Group maintains a website, Continental Tobacco USA will NOT engage in web-based advertising.

Continental Tobacco USA as importer and Continental Tobacco Corporation as manufacturer of the QUICK 40 brand respectfully submit the above plan and all enclosures in full compliance with the Cigarette Act, and look most forward to notification of FTC approval.

Please do not hesitate to contact us directly with any questions or concerns you may have following your review of these materials. Thank you for your time and attention.

Best regards,



Anne Micaela Kovach  
Chief Executive Officer

enclosures

**Selected packaging samples from those  
submitted with the plan.**

UNDERAGE  
SALE  
PROHIBITED

Full Flavor

# Quick 40

Cigarette  
Quick Stix

Extralong Tobacco Rolls  
for Individual Portioning

INSERT



CUT



SMOKE

Cigarette filter tubes sold separately

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

**Quick 40**

*Menthol*

**Quick 40**

*Cigarette Quick Stix*

*Extralong Tobacco Rolls  
for Individual Portioning*



UNDERAGE  
SALE  
PROHIBITED

**Quick 40**  
*Cigarette Quick Stix*

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





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

Division of Advertising Practices

August 15, 2007

Ms. Anne Micaela Kovach  
Chief Executive Officer  
Continental Tobacco USA, LLC  
1221 Brickell Ave., Suite 922  
Miami, FL 33131

Dear Ms. Kovach:

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 Continental Tobacco USA, LLC (“Continental”) on August 13, 2007, calling for quarterly rotation of the four health warnings in advertising of the Quick 40 brand of cigarettes, and for the simultaneous display of the four health warnings on the packaging of two varieties of that brand.

Your plan for the rotation of the warnings in advertising of the Quick 40 brand of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Continental’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The health warnings on the revised sample packs and cartons submitted with your July 27, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness.<sup>1</sup> Continental’s plan for packaging is hereby approved for the Full Flavor and Menthol varieties of the Quick 40 brand. This approval is effective on the date of this letter and ends on August 14, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

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<sup>1</sup> Although the warnings on the previously submitted samples did not meet the size requirements of the Cigarette Act, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

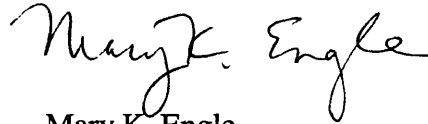
<sup>2</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Ms. Anne Micaela Kovach  
August 15, 2007  
Page 2

You should also be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services ("HHS"). Furthermore, the Tariff Act of 1930, 19 U.S.C. § 1681a(c)(1), as amended by the Tariff Suspension and Trade Act of 2000, Pub. L. No. 106-476, 114 Stat. 2179, prohibits the importation of cigarettes unless at the time of entry the importer presents a sworn statement signed by the original cigarette manufacturer stating that the manufacturer has submitted and will continue to submit the list of ingredients to HHS.

If you have any questions regarding this approval, please contact Sallie Schools at (202) 326-3344.

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



LAW OFFICES OF  
**BARRY M. BOREN**

One Datan  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

barry@bboren.com

Telephone  
(305) 670-2200  
Facsimile  
(305) 670-9672

August 14, 2007

**CONTAINS TRADE SECRETS  
AND CONFIDENTIAL  
BUSINESS INFORMATION  
NOT FOR PUBLIC DISCLOSURE**

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

Attention: Ms. Sallie Schools

Renewal of Surgeon General's Warning Rotation Plan for  
Tantus Tobacco, LLC For Berley Cigarettes

Dear Ms. Engle:

Please be advised that we are the attorneys for a manufacturer of tobacco products, Tantus Tobacco, LLC ("Tantus"), a Kentucky limited liability corporation, with offices located at 200 Progress Dr., Russell Springs, Kentucky 42642 and the mailing address is P.O. Box 1030, Jamestown, Kentucky 42629. Tantus wishes to renew its existing equalization Surgeon General's Warning Rotation Plan as required by the Federal Cigarette Labeling and Advertising Act of 1964, as amended, ("Act") (15 U.S.C. §1331 *et seq.*) for cigarettes they are manufacturing in the United States under the brand name "Berley." The contact person for the company will be its President, Brian Cooper, who can be reached at the above address.

A renewal equalization plan was approved for Berley on August 16, 2006 and a copy is attached hereto as Exhibit "A."<sup>1</sup> An advertising plan for the Berkley and Berley brands was

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<sup>1</sup> A renewal equalization plan for Berkley cigarettes was approved by the FTC on May 30, 2007 (see Exhibit "B" attached hereto). An equalization and advertising plan was approved by the FTC for Dillon, Dixon, 24/7 and Superior cigarettes on September 6, 2006 and a copy of the letter is attached hereto as Exhibit "D." An equalization and advertising plan was approved by the FTC for Golden Blend on November 16, 2006 is attached hereto as Exhibit "E." An equalization and advertising for the GSmoke, Main Street and Sport brands was approved by the FTC on July 18, 2007 (see Exhibit "H" attached hereto).

approved on August 30, 2005 (see Exhibit "C"). An expansion to the advertising rotation plan was approved by the FTC on January 22, 2007 and is attached hereto as Exhibit "F." A labeling expansion plan which added three additional brand styles of the Berley brand was approved by the FTC on November 16, 2006 and is attached hereto as Exhibit "I."

The brand styles of cigarettes Tantus intends to manufacture are listed on Exhibit "G." These are the same brand styles that were listed in the Berley plans approved on August 16, 2006 and November 16, 2006. Actual samples of the Berley packs and cartons for the various brand styles (listed on Exhibit "G") showing exactly where and how the four (4) Surgeon General's health warnings appear and will continue to appear on individual packs and cartons of the Berley brand Tantus is manufacturing, were enclosed with the submissions of May 18, 2005 and November 6, 2006. None of the packs or cartons have changed since they were submitted.

Tantus manufactured approximately [REDACTED] cigarettes (all were either Golden Blend, Berkley or Berley brand cigarettes) in fiscal year 2006. In fiscal 2007 to date, it has manufactured approximately [REDACTED] cigarettes (all were Golden Blend, Berkley or Berley brand cigarettes). Tantus anticipates manufacturing approximately [REDACTED] cigarettes of all its brand styles (Dixon, Dillon, 24/7, Superior, Golden Blend, Berkley, GSmokes, Main Street, Sport and Berley) in fiscal year 2007.

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

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

The individual packs of Berley cigarettes to be manufactured by Tantus will have the proper health warnings printed by the manufacturer directly on the packs under the cellophane. The cartons will have the proper health warnings printed directly on the cartons by the manufacturer.

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

warnings needed to ensure that the rotation is equalized for each brand style by the plan's anniversary date.

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

Nothing herein shall be construed to require the manufacture, packaging, distribution or importation of any cigarette during any period of time. Tantus shall be deemed to have satisfied its responsibilities under the plan if it has taken reasonable steps to ensure that the warnings as they appear on the packs and cartons comply with the statutory requirements by: (1) providing by written contract or the giving of clear instructions, or otherwise, for the rotation of the warning statements required by the Act in accordance with the pertinent provisions of this plan; and (2) preventing the recurrence of any mistakes, errors, or omissions that have come to its attention.

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

Tantus has an advertising rotation plan in place for its Berley cigarettes which was approved by the FTC on August 30, 2005 and an expansion to its advertising rotation plan was approved by the FTC on January 22, 2007 (see Exhibit "F"). Tantus is in compliance with this plan and wishes to make no changes to its advertising plan at this time.

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

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

Sincerely yours,

LAW OFFICES OF BARRY M. BOREN

  
Barry M. Boren

BMB:mw/encs.



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

Division of Advertising Practices

August 16, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed August 14, 2005 on behalf of Tantus Tobacco, LLC. ("Tantus") calling for the simultaneous display of the four health warnings on the packaging of thirteen varieties of the Berley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 17, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for the display of the four health warnings on the packaging of the Berley brand is hereby approved for the Full Flavor King Size Box and Lights King Size Box varieties and the following eleven Soft Pack varieties: Full Flavor (Kings and 100's), Lights (Kings and 100's), Ultra Lights (Kings and 100's), Menthol (Kings and 100's), Menthol Lights (Kings and 100's), and Non-Filter kings. This approval is effective on the date of this letter and ends on August 15, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

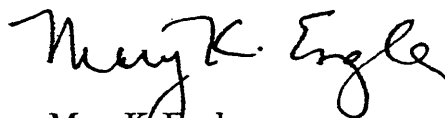
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
August 16, 2006  
Page 2

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

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

May 30, 2007

Barry M. Boren, Esq.  
One Datan  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission ("the 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 the revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on May 23, 2007 calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berkley brand of cigarettes.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of March 9, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for packaging is hereby approved for eleven soft pack varieties of the Berkley brand of cigarettes (Full Flavor kings, Light kings, Ultra Light kings, Menthol kings, Menthol Light kings, Non-filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s) and two box varieties of the brand (Full Flavor kings and Light kings). This approval is effective on the date of this letter and ends on May 29, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should be aware that Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

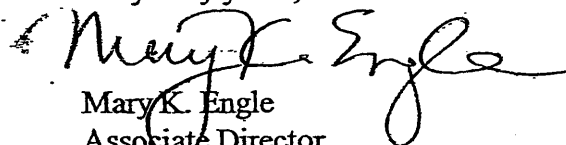
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<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
May 30, 2007  
Page 2

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

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

Mary K. Engle  
Associate Director



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

Division of Advertising Practices

August 30, 2005

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed your revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on August 23, 2005 calling for quarterly rotation of the four health warnings in advertising of the Berkley and Berley brands of cigarettes.

Tantus's plan for the rotation of the warnings in advertising of the Berkley and Berley brands of cigarettes has been approved. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

Very truly yours,

A handwritten signature in black ink that reads "Mary Engle" followed by a stylized flourish.

Mary K. Engle  
Associate Director

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





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

Division of Advertising Practices

September 6, 2006

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on September 6, 2006 on behalf of Tantus Tobacco, LLC ("Tantus") calling for quarterly rotation of the four health warnings in the advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of the Full Flavor King Size Box variety of each of those brands.

Tantus's plan for the rotation of the warnings in advertising of the 24/7, Dillon, Dixon, and Superior brands of cigarettes has been approved. Approval of the plan assumes the plan is implemented in good faith.

Tantus's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of August 15, 2005 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus's plan for the display of the four health warnings on packaging is hereby approved for the Full Flavor King Size Box variety of the 24/7, Dillon, Dixon, and Superior brands. This approval is effective on the date of this letter and ends on September 5, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services

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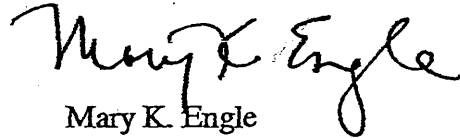
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
September 6, 2006  
Page 2

a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

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



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

Division of Advertising Practices

November 16, 2006

Barry M. Boren, Esq.  
Datran One  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC ("Tantus") on November 8, 2006, calling for quarterly rotation of the four health warnings in advertising of the Golden Blend brand of cigarettes, and for the simultaneous display of the four health warnings on the packaging of nine soft pack varieties of that brand.

Tantus's plan for the rotation of the warnings in advertising of the Golden Blend brand of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your October 16, 2006 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Tantus' plan for the display of the four health warnings on packaging for the Golden Blend brand is hereby approved for the following nine soft pack varieties: Full Flavor kings, Light kings, Menthol kings, Non-Filter kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s.<sup>1</sup> This approval is effective on the date of this letter and ends on November 15, 2007. Approval of the plan is contingent on its good faith

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<sup>1</sup> The approval of Tantus' cigarette health warning display plan is an approval of its plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of Tantus' packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not Tantus' packaging or advertising complies with relevant trademark law or with other applicable laws.

Barry M. Boren, Esq.

November 16, 2006

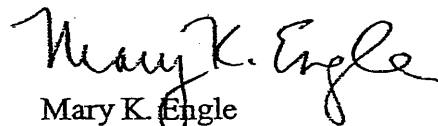
Page 2

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

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,



Mary K. Engle  
Associate Director

---

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

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



Division of Advertising Practices

January 22, 2007

Barry M. Boren, Esq.  
9350 South Dixie Highway  
Penthouse II  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 30, 2005 (Berkley and Berley), September 6, 2006 (24/7, Dixon, Dillon and Superior) and November 16, 2006 (Golden Blend) plans filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the quarterly rotation of the four health warnings in the advertising of the aforementioned brands. In a letter dated January 2, 2007, you now propose to expand Tantus' plan to include advertising between 160 and 1,200 square feet.

The expansion of Tantus' plan for the rotation of the warnings in advertising for the Berkley, Berley, 24/7, Dixon, Dillon, Superior, and Golden Blend brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary K. Engle  
Associate Director

**EXHIBIT 'G' LIST OF CIGARETTE BRAND STYLES**  
**TANTUS TOBACCO, LLC**

**BERLEY CIGARETTES**

Full Flavor King Size Soft Pack  
Lights King Size Soft Pack  
Ultra Lights King Size Soft Pack  
Menthol King Size Soft Pack  
Menthol Lights King Size Soft Pack  
Non-Filter King Size Soft Pack

Full Flavor 100's Soft Pack  
Lights 100's Soft Pack  
Ultra Lights 100's Soft Pack  
Menthol 100's Soft Pack  
Menthol Lights 100's Soft Pack

Full Flavor King Size Box  
Lights King Size Box

Ultra Light King Size Box  
Menthol King Size Box  
Menthol Light King Size Box



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

Division of Advertising Practices

July 18, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC on July 9, 2007, calling for quarterly rotation of the four health warnings in advertising of the G-Smoke, Main Street and Sport brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of certain varieties of those brands.

Tantus Tobacco's plan for the rotation of the warnings in advertising of the G-Smoke, Main Street, and Sport brands of cigarettes has been approved. Approval of the plan assumes that the plan is implemented in good faith.

Tantus Tobacco's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your June 5, 7, and 11, 2007 letters appear to meet the requirements of the Cigarette Act for size and conspicuousness. Tantus Tobacco's plan for the display of the four health warnings on packaging for the G-Smoke brand is hereby approved for the following fifteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard pack), Ultra Light 100's soft pack, Menthol Kings (soft pack and hard pack), Menthol 100's soft pack, "Woman" Full Flavor 100's hard pack, "Woman" Light 100's hard pack, and "Woman" Menthol Light 100's hard pack. Tantus Tobacco's plan for the Main Street brand is hereby approved for the following thirteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard pack), Ultra Light 100's (soft pack and hard pack), Menthol King soft pack, Menthol 100's soft pack, and Menthol Light 100's soft pack. Tantus Tobacco's plan for the Sport brand is hereby approved for the following fourteen varieties: Full Flavor Kings (soft pack and hard pack), Full Flavor 100's (soft pack and hard pack), Light Kings (soft pack and hard pack), Light 100's (soft pack and hard

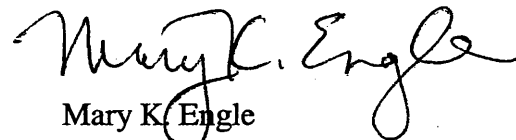
Barry M. Boren, Esq.  
July 18, 2007  
Page 2

pack), Ultra Light 100's soft pack, Menthol Kings (soft pack and hard pack), Menthol 100's (soft pack and hard pack), and Menthol Light 100's soft pack.<sup>1</sup> This approval is effective on the date of this letter and ends on July 17, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>2</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Aine Farrell at (202) 326-3013.

Very truly yours,



Mary K. Engle  
Associate Director

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<sup>1</sup> The approval of Tantus Tobacco's cigarette health warning display plan is an approval of its plan for displaying the four health warnings mandated by the Cigarette Act. Approval of the plan is not in any way an approval of Tantus Tobacco's packaging, other than the display of the mandated health warnings. This approval expresses no opinion on whether or not Tantus Tobacco's packaging complies with relevant trademark law or with other applicable laws.

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





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

November 16, 2006

Barry Boren  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, Florida 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I approved your August 14, 2006 plan filed on behalf of Tantus Tobacco, LLC ("Tantus"), calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Berley brand of cigarettes. In a letter dated November 16, 2006, you now propose to expand Tantus' plan to include three additional box varieties of the Berley brand.

Tantus' sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of November 6, 2006 appear to comply with the size and conspicuousness requirements of the Cigarette Act. Tantus' expansion of its plan for packaging is hereby approved for the following three king box varieties of the Berley brand of cigarettes: Ultra Lights, Menthol and Menthol Lights. This approval is effective on the date of this letter and ends on August 16, 2007. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

As a reminder, Section 1335a of the Cigarette Act requires that a list of the ingredients added to tobacco in the manufacture of cigarettes be annually filed with the Secretary of the Department of Health and Human Services.

If you have any questions regarding this approval, please contact Katherine Zownir at (202) 326-2949.

Very truly yours,

Mary K. Engle  
Associate Director

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



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

Division of Advertising Practices

August 16, 2007

Barry M. Boren, Esq.  
One Datran  
9100 South Dadeland Boulevard  
Suite 1800  
Miami, FL 33156

Dear Mr. Boren:

The Federal Trade Commission has delegated to the Associate Director for Advertising Practices its authority to review cigarette health warning display plans submitted to the Commission pursuant to Section 1333(c) of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331, *et seq.* (“the Cigarette Act”). Pursuant to that delegation, I have reviewed a revised proposed plan filed on behalf of Tantus Tobacco, LLC (“Tantus”) on August 14, 2007, calling for the simultaneous display of the four health warnings on the packaging of sixteen varieties of the Berley brand of cigarettes.

Tantus’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your May 18, 2005 and November 6, 2006 letters appear to comply with the requirements of the Cigarette Act for size and conspicuousness. Tantus’s plan for the display of the four health warnings on the packaging of the Berley brand is hereby approved for five King size box varieties (Full Flavor, Lights, Ultra Lights, Menthol, and Menthol Lights) and eleven soft pack varieties (Full Flavor Kings, Full Flavor 100's, Lights Kings, Lights 100's, Ultra Lights Kings, Ultra Lights 100's, Menthol Kings, Menthol 100's, Menthol Lights Kings, Menthol Lights 100's, and Non-Filter Kings). This approval is effective on the date of this letter and ends on August 15, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>1</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services

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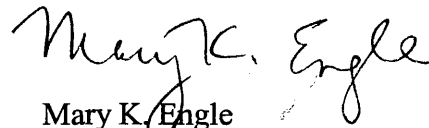
<sup>1</sup> Knowingly and willfully making false statements to a federal government agency is a crime punishable by a fine and/or imprisonment. 18 U.S.C. § 1001.

Barry M. Boren, Esq.  
August 16, 2007  
Page 2

a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

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

# RENEGADE TOBACCO COMPANY

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August 16, 2007

Ms. Mary Engle  
U.S. Federal Trade Commission  
Division of Advertising Practices, Room 4002  
601 Pennsylvania Avenue NW  
Washington DC 20580

**RE: Renegade Tobacco Company Tucson® and Tracker® 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 Renegade Tobacco Company, ("Renegade") for its Tucson® and Tracker® cigarette brands. Renegade's address is 321 Farmington Road, Mocksville, North Carolina 27028. The company contact for Renegade is the President, Calvin Phelps.

Renegade confirms and warrants that it will conduct its operations so that the four warnings specified in 15 U.S.C. § 1333(a)(1) are properly displayed for Tucson® and Tracker® cigarettes. Renegade 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 Tucson® and Tracker® cigarettes it manufactures during the twelve month period following approval of this application. Renegade will keep records of compliance for the submitted rotation plan. Renegade expects that its brand styles of the two brands which it manufactures (Tucson® and Tracker®) collectively will not exceed one-fourth of one percent of cigarettes manufactured in the United States during the preceding year. Renegade Tobacco Company does not manufacture any other brands of cigarettes.

Renegade's fiscal year is the calendar year.

Renegade manufactures Tucson® and Tracker® cigarettes under tobacco manufacturing license number NC-TP-631.

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 Renegade 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

---

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

(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which met the requirements of clause (i).

15 U.S.C. §1333(c)(2)(A). The term “brand style” is defined in the statute to mean:

a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

15 U.S.C. §1332(8).

During 2007, Renegade plans to manufacture fourteen (14) brand styles of Tucson®:

- (1) Full Flavor Kings – 84mm – Soft Pack cigarettes;
- (2) Light Kings – 84mm – Soft Pack cigarettes;
- (3) Ultra Lights Kings – 84mm – Soft Pack cigarettes;
- (4) Menthol Kings – 84mm – Soft Pack Cigarettes;
- (5) Extra Menthol Kings – 84mm - Soft Pack Cigarettes;
- (6) Non Filter Kings – 84mm - Soft Pack Cigarettes;
- (7) Full Flavor – 100mm - Soft Pack Cigarettes;
- (8) Light – 100mm - Soft Pack Cigarettes;
- (9) Ultra Light – 100mm – Soft Cigarettes;
- (10) Menthol – 100mm - Soft Pack Cigarettes;
- (11) Full Flavor Kings Box – 84mm - Cigarettes;
- (12) Light Kings Box – 84mm - Cigarettes;
- (13) Full Flavor Box – 100mm - Cigarettes; and
- (14) Light Box – 100mm - Cigarettes;

Renegade plans to manufacture eleven (11) brand styles of Tracker®:

- (1) Full Flavor Kings – 84mm –Soft Pack Cigarettes;
- (2) Light Kings – 84mm – Soft Pack Cigarettes;
- (3) Ultra Lights Kings – 84mm –Soft Pack Cigarettes;

- (4) Menthol Kings – 84mm – Soft Pack Cigarettes;
- (5) Menthol Light Kings – 84mm – Soft Pack Cigarettes;
- (6) Non Filter Kings – 84mm – Soft Pack Cigarettes;
- (7) Full Flavor – 100mm – Soft Pack Cigarettes;
- (8) Light – 100mm – Soft Pack Cigarettes;
- (9) Ultra Light – 100mm – Soft Pack Cigarettes;
- (10) Menthol – 100mm – Soft Pack Cigarettes; and
- (11) Menthol Light – 100mm – Soft Pack Cigarettes.

Renegade operates on a calendar year. The collective sales of each of Renegade's Tucson® and Tracker® brand styles were well below one quarter of one percent of the cigarettes sold in the United States during 2006. These determinations are based upon Renegade's records showing that sales made during calendar year 2006 were [REDACTED] sticks of Tucson with Tucson Full Flavor 100mm Soft Pack being the highest seller with [REDACTED] sticks and [REDACTED] sticks of Tracker with Tracker Full Flavor 100mm Soft Pack being the highest seller with [REDACTED] sticks. The aggregate estimated 2007 sales for the Tucson® and Tracker® brand styles are: [REDACTED] sticks. The statutory requirements that more than half of Renegade's brand styles fall below the maximum volume will be satisfied as well.

Renegade Tobacco Company does not advertise its products. If we decide to advertise the Tucson and Tracker brands we will first submit a plan for approval to the FTC.

Actual packs and cartons for each brand and style with each of the four warnings were submitted to your office with our previous submission dated April 7, 2007. The four cigarette health warnings will appear exactly as they do on the packaging contained in that submission.

Please let me know if you need any additional information.

If you need additional information, I can be reached at 336-940-4818, via fax at 336-940-3669 or via email at.

Sincerely,

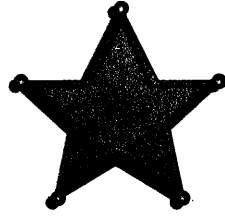
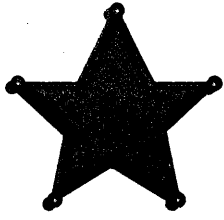
  
Calvin A. Phelps  
President

Selected packaging samples from those  
submitted with the plan.

**Tracker**

CLASS A  
20  
CIGARETTES

**Tracker**



Sale to Minors Prohibited

Menthol 100's

Menthol 100's



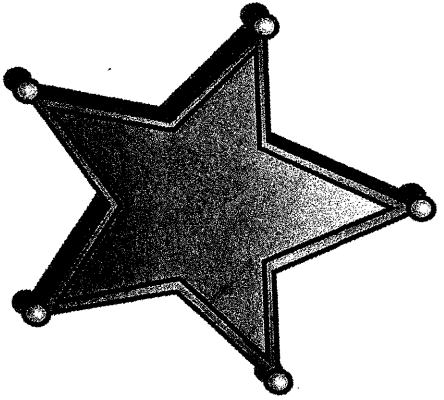
Made in USA

Made in USA

Menthol 100's

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

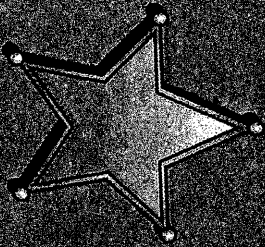
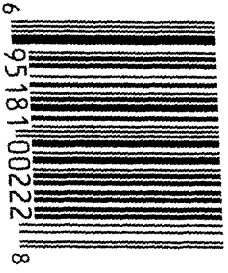




# Tracker

Light 100's

Made in USA



# Tracker

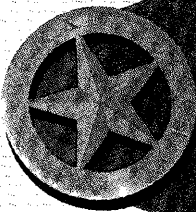
Light 100's

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

Renegade Tobacco Co  
Winston-Salem, NC  
1-888-335-4326  
TP-631-NC



**TUCSON**



*EXTRA  
MENTHOL*

MADE IN USA

**TUCSON**  
*EXTRA MENTHOL*

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

**TUCSON**



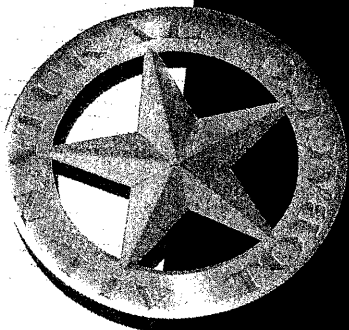
*EXTRA  
MENTHOL*

MADE IN USA



# TUCSON

FULL FLAVOR KINGS



MADE IN USA

# TUCSON

FULL FLAVOR KINGS

MADE IN USA



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



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

Division of Advertising Practices

August 16, 2007

Mr. Calvin A. Phelps  
President  
Renegade Tobacco Company  
321 Farmington Road  
Mocksville, NC 27028

Dear Mr. Phelps:

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 the revised proposed plan filed by Renegade Tobacco Company (“Renegade”) on August 16, 2007, calling for the simultaneous display of the four health warnings on the packaging of certain varieties of the Tucson and Tracker brands of cigarettes.

Renegade’s sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your April 7, 2007 letter appear to meet the requirements of the Cigarette Act for size and conspicuousness. Renegade’s plan for packaging is hereby approved for ten soft pack varieties of the Tucson brand of cigarettes (Full Flavor Kings, Lights Kings, Ultra Lights Kings, Menthol Kings, Extra Menthol Kings, Non Filter Kings, Full Flavor 100s, Light 100s, Ultra Light 100s, and Menthol 100s), four Tucson box varieties (Full Flavor Kings, Light Kings, Full Flavor 100s, and Light 100s), and eleven soft pack varieties of the Tracker brand of cigarettes (Full Flavor Kings, Light Kings, Ultra Light Kings, Menthol Kings, Menthol Light Kings, Non Filter Kings, Full Flavor 100s, Light 100s, Ultra Light 100s, Menthol 100s, and Menthol Light 100s). This approval is effective on the date of this letter and ends on August 15, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan. The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.<sup>1</sup>

If Renegade does decide 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

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

Mr. Calvin A. Phelps  
August 16, 2007  
Page 2

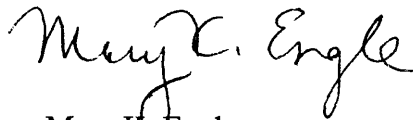
warning statements in advertisements.

This approval of Renegade cigarette health warning display plan is an approval only of its plan for displaying the four health warnings mandated by the Cigarette Act. It is not in any way an approval of any other statements or representations made on the packaging of Renegade cigarettes.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

If you have any questions regarding this approval, please contact Clovia Hutchins at (202) 326-3215.

Very truly yours,

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

Mary K. Engle  
Associate Director



# STARS & STRIPES

4773 Highway 4  
Jemez Pueblo, NM 87024  
Fax # 800-485-7808

July 17, 2007

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

RE: Cigarette Health Warning Rotation Plan

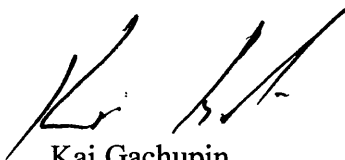
Dear Ms. Engle,

This letter is being submitted for the approval of the Surgeon General Warning Rotation Plan for print advertising and promotional material of the Stars & Stripes cigarette brand contract manufactured by Joseph M. Anderson d/b/a Smokin Joes for Stars & Stripes Cigarettes, Inc. Upon approval of this plan, Stars & Stripes Cigarettes, Inc. intends to advertise Stars & Stripes cigarettes to consumers via print media.

Stars & Stripes Cigarettes, Inc. is applying for a plan to cover advertising up to 40 square feet for the Stars & Stripes cigarette brand. Stars & Stripes Cigarettes, Inc. will comply with the 1985 plans submitted by the five leading US cigarette manufacturers and will use the formats placed on the FTC website that coincide with those plans and will place the warnings as specified in those plans. Exhibits 1A – 1D will be used on advertisements measuring up to 65 square inches, Exhibits 2A – 2D will be used on advertisements measuring over 65 to 110 square inches, Exhibits 3A – 3D will be used on advertisements measuring over 110 to 180 square inches, Exhibits 4A – 4D will be used on advertisements measuring over 180 to 360 square inches, Exhibits 5A – 5D will be used on advertisements measuring over 360 to 470 square inches, Exhibits 6A – 6D will be used on advertisements measuring over 470 to 720 square inches, Exhibits 7A – 7D will be used on advertisements measuring over 5 to 10 square feet, Exhibits 8A – 8D will be used on advertisements measuring over 10 to 20 square feet, and Exhibits 9A – 9D will be used on advertisement over 20 to 40 square feet. Sample formats are enclosed with this letter. Enclosed as Exhibit A is the rotation schedule that will be used for the advertising of Stars & Stripes.

Stars & Stripes Cigarettes, Inc. 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 statute. Stars & Stripes Cigarettes, Inc. will maintain records of compliance with the approved plan. If there are any questions or concerns regarding these plans, please contact me.

Sincerely,



Kai Gachupin  
CEO / Owner

# Exhibit A

## Rotation Plan for Print Advertising and Promotional Materials

Quarter	Stars & Stripes
Q1 Jan, Feb, March	A
Q2 April, May, June	B
Q3 July, Aug, Sept	D
Q4 Oct, Nov, Dec	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.



# STARS & STRIPES

Contact information:

Kai Gachupin .....505-934-0877  
CEO / Owner

Priscilla Romero.....505-917-2315  
Administrative Assistant





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

Division of Advertising Practices

August 21, 2007

Mr. Kai Gachupin  
Stars & Stripes Cigarettes, Inc.  
4773 Highway 4  
Jemez Pueblo, NM 87024

Dear Mr. Gachupin:

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 Stars & Stripes Cigarettes, Inc. dated July 17, 2007, calling for quarterly rotation of the four health warnings in advertising of the Stars & Stripes brand of cigarettes.

Your plan for the rotation of the warnings in advertising of the Stars & Stripes brand has been approved for advertisements measuring up to 40 square feet in size. Approval of the plan assumes that the plan is implemented in good faith.

If you have any questions regarding this approval, please contact Diana Finegold at (202) 326-3182.

Very truly yours,

Mary K. Engle  
Associate Director



August 7, 2007

Mary K. Engle, Associate Director  
Division of Advertising Practices  
Federal Trade Commission  
601 New Jersey Avenue, NW  
Room NJ 3212  
Washington, D.C. 20001

Attn: Ms Bonnie Pulley

**Seneca-Cayuga Tribal Tobacco Corporation**  
**- Renewal of Label Statement Rotation Plan**

Dear Ms. Engle:

Please accept this letter as our request for renewal of the Health Warning Statement Equalization Plan of Seneca-Cayuga Tribal Tobacco Corporation, an incorporated arm of the Seneca Cayuga Tribe of Oklahoma (the "Company") for labeling and advertising of Skydancer and Texas Republic cigarettes. Our prior plan was approved by your office April 6, 2005 under our unincorporated name of Seneca Cayuga Tobacco Company. I have enclosed a copy of our Articles of Tribal Incorporation for your information. The Company's address is 65490 East 240 Road, Grove, OK 74344. The General Manager of the Company is Mr. Gary Toland.

The warnings will appear exactly as shown on the samples of actual packs and cartons provided with our letter of April 5, 2007.

SKYDANCER cigarettes are marketed in ten soft pack brand styles: Full Flavor Kings and 100s, Light Kings and 100s, Ultra Light Kings and 100s, Menthol Kings and 100s, Menthol Light Kings and 100s. SKYDANCER cigarettes are marketed in five hard pack kings size brand styles: Full Flavor Kings, Light Kings, Ultra Light Kings, Menthol Kings and Menthol Light Kings. The Company's total sales of Skydancer cigarettes in the fiscal year ending December 31, 2006 were: [REDACTED] sticks of which [REDACTED] sticks were Full Flavor, [REDACTED] sticks were Lights, [REDACTED] sticks were Ultra Lights, [REDACTED] sticks were Menthol and [REDACTED] sticks were Menthol Lights. The sales in 2007 by brand style of Skydancer cigarettes are anticipated to be: [REDACTED] sticks of which roughly [REDACTED] sticks will be Full Flavor, [REDACTED] sticks will be Lights, [REDACTED]

sticks will be Ultra Lights, [REDACTED] sticks will be Menthol and [REDACTED] sticks will be Menthol Lights. (For purposes of reporting the above sticks of brand styles, we have combined Full Flavor 100s and Full Flavor Kings, Light 100s and Light Kings, Ultra Light 100s and Ultra Light Kings, Menthol 100s and Menthol Kings, Menthol Light 100s and Menthol Light Kings.)

TEXAS REPUBLIC cigarettes are marketed in ten soft pack brand styles: Full Flavor Kings and 100s, Light Kings and 100s, Ultra Light Kings and 100s, Menthol Kings and 100s, Menthol Light Kings and 100s. TEXAS REPUBLIC cigarettes are marketed in two hard pack kings size brand styles: Full Flavor Kings and Light Kings. The Company's total sales of Texas Republic cigarettes in the fiscal year ending December 31, 2006 were: [REDACTED] sticks of which [REDACTED] sticks were Full Flavor, [REDACTED] sticks were Lights, [REDACTED] sticks were Ultra Lights, [REDACTED] sticks were Menthol and [REDACTED] sticks were Menthol Lights. The sales in 2007 by brand style of Texas Republic cigarettes are anticipated to be: [REDACTED] sticks of which roughly [REDACTED] sticks will be Full Flavor, [REDACTED] sticks will be Lights, [REDACTED] sticks will be Ultra Lights, [REDACTED] sticks will be Menthol and [REDACTED] sticks will be Menthol Lights. (For purposes of reporting the above sticks of brand styles, we have combined Full Flavor 100s and Full Flavor Kings, Light 100s and Light Kings, Ultra Light 100s and Ultra Light Kings, Menthol 100s and Menthol Kings, Menthol Light 100s and Menthol Light Kings.)

RED ROCK cigarettes were not being marketed or manufactured by the Company during the year ended December 31, 2006 and are also not being marketed or manufactured by the Company during 2007. We do not manufacture any other brands of cigarettes other than Skydancer and Texas Republic cigarettes.

The Company will continue to display the four warnings on the packs and cartons of each brand style of the Skydancer and Texas Republic brands for the one year period beginning on the date of approval of the Plan. The Company will keep records demonstrating compliance with this plan.

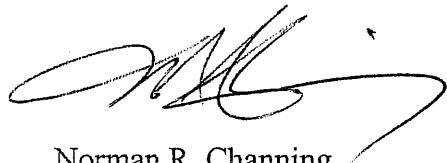
The Company submitted an advertising plan that was approved June 7, 2004. The Company has developed a change in our Advertising Plan to include Internet Advertising. In internet advertising, the warnings will be displayed in an unavoidable manner on every web page, where it may be viewed without scrolling, and shall not be accessed through hyperlinks, popups, interstitials, or other similar means. We will use the warnings formats that were submitted with the 1985 Plans of the five leading U.S. cigarette manufacturers, and the size of the warnings shall be proportionate to those warnings formats. The warnings will be rotated quarterly according to the schedule set

Mary K. Engle  
August 7, 2007  
Page # 3.

out in Exhibit A. In advertisements for multiple brands of cigarettes, or for no specific brand, the warnings shall be rotated according to the schedule set out for Skydancer. Attached to this letter as Exhibit B are sample web pages showing the placement of the warnings on our website.

Please provide the Commission's final written approval of this request for renewal of the Plan, as the current Plan expired on April 5, 2006, therefore we would appreciate a renewal approval as soon as possible. Should you require any additional information, please do not hesitate to contact me at (918) 787-7711 Ext. 116 or (888) 872-8518.

Sincerely,



Norman R. Channing  
Chief Financial Officer

Cc. Mr. Gary Toland, General Manger

Exhibit A

Warning Labels — Sections 1333(a)(1) and 1333(a)(2) of the Cigarette Act:

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

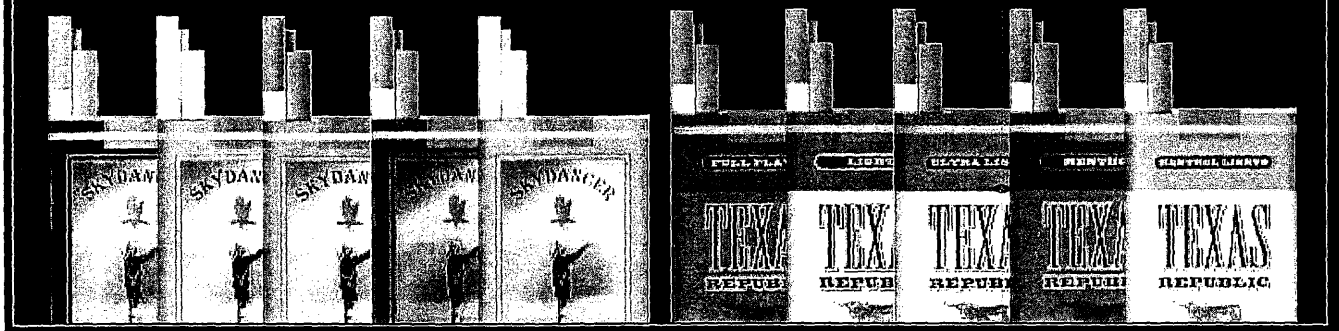
Brand	<u>Quarter 1</u> January 1- March 31	<u>Quarter 2</u> April 1- June 30	<u>Quarter 3</u> July 1 - Sept 30	<u>Quarter 4</u> October 1 - December 31
SKYDANCER	2	3	4	1
TEXAS REPUBLIC	3	4	1	2

Seneca-Cayuga Tribal Tobacco Corp.



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

Enter Site



Selected packaging samples from those  
submitted with the plan.







MADE IN USA

SKYD

DANCER



Features Serious Serious Serious  
Quitting Smoking Now Greatly  
Reduces Serious Risks to Your Health

SKYDANCER™  
100'S

PREMIUM LIGHTS

SKYDANCER



PREMIUM LIGHTS 100'S  
A CAYUGA TRIBE OF OK

HE  
PRODU

LIGHTS

UNDERAGE  
SALE  
PROHIBITED

LIGHTS

20  
CLASS A  
CIGARETTES

**TEXAS  
REPUBLIC**

100's



**PREMIUM**

20 CLASS A CIGARETTES  
MADE IN THE USA

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

**TEXAS  
REPUBLIC**

100's



**PREMIUM**

20 CLASS A CIGARETTES  
MADE IN THE USA

PACKED UNDER LICENSE FROM  
HOUSTON TOBACCO, LLC  
TP-042  
©2003 HOUSTON TOBACCO, LLC



**TEXAS REPUBLIC™**

LIGHTS 100's

wpc-22

MENTHOL KINGS

# TEXAS REPUBLIC

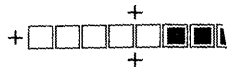
## TEXAS REPUBLIC

MENTHOL KINGS

UNDERAGE  
SALE  
PROHIBITED



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



# TEXAS REPUBLIC

MENTHOL KINGS



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

Division of Advertising Practices

August 21, 2007

Mr. Norman R. Channing  
Chief Financial Officer  
Seneca-Cayuga Tribal Tobacco Corporation  
65490 East 240 Road  
Grove, OK 74344

Dear Mr. Channing:

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 Seneca-Cayuga Tribal Tobacco Corporation ("Seneca-Cayuga") on August 7, 2007, calling for quarterly rotation of the four health warnings in Internet advertising of the Skydancer and Texas Republic brands of cigarettes, and for the simultaneous display of the four health warnings on the packaging of certain varieties of those brands.

Seneca-Cayuga's plan for the rotation of the warnings in Internet advertising of the Skydancer and Texas Republic brands of cigarettes has been approved.<sup>1</sup> Approval of the plan assumes that the plan is implemented in good faith.

Seneca-Cayuga's sales appear to qualify for the aforementioned alternative to quarterly rotation of the warnings on packaging. The warnings on the sample packs and cartons submitted with your letter of April 5, 2007 appear to meet the requirements of the Cigarette Act for size and conspicuousness.<sup>2</sup> Seneca-Cayuga's plan for packaging is hereby approved for ten soft pack varieties of the Skydancer brand (Full Flavor Kings, Full Flavor 100's, Lights Kings, Lights 100's, Ultra Lights Kings, Ultra Lights 100's, Menthol Kings, Menthol 100's, and Menthol Lights

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<sup>1</sup> With respect to the question of whether it is legal to advertise cigarettes on the Internet, Section 1335 of the Cigarette Act prohibits advertising cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. The enforcement of that provision is the responsibility of the Department of Justice and you should contact them directly (Kenneth Maddox at 202-307-0092) to determine whether such advertising on the Internet is permissible.

<sup>2</sup> Although some of the warnings originally submitted were not sufficiently conspicuous, corrected samples were submitted. This approval pertains only to packaging that meets the requirements of the Cigarette Act.

Mr. Norman R. Channing

August 21, 2007

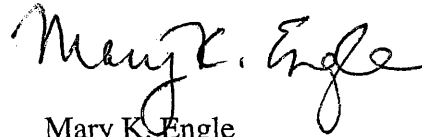
Page 2

Kings and Menthol Lights 100's) and five King size hard pack varieties of the Skydancer brand (Full Flavor, Lights, Ultra Lights, Menthol, and Menthol Lights); ten soft pack varieties of the Texas Republic brand (Full Flavor Kings, Full Flavor 100's, Lights Kings, Lights 100's, Ultra Lights Kings, Ultra Lights 100's, Menthol Kings, Menthol 100's, Menthol Lights Kings and Menthol Lights 100's) and two hard pack varieties of the Texas Republic brand (Full Flavor Kings and Lights Kings). This approval of your plan for packaging is effective on the date of this letter and ends on August 20, 2008. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.<sup>3</sup> The Cigarette Act provides that any person who violates its provisions is guilty of a misdemeanor.

You should also be aware that Section 1335a of the Cigarette Act requires that cigarette manufacturers annually file with the Secretary of the Department of Health and Human Services a list of the ingredients added to tobacco in the manufacture of their cigarettes.

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

Very truly yours,



Mary K. Engle  
Associate Director

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