
¹ For your information, under the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. For this information request, that number is 3084-0134.

official address of its ultimate parent company.²

4. A. If [company] is a subsidiary company, identify all other direct and indirect subsidiary companies of [company]'s ultimate parent company, and for each such subsidiary company: (1) provide its full name and address; (2) identify its direct parent company and all of its direct subsidiary companies; and (3) state whether it has any involvement in the manufacturing, labeling, advertising, promotion, marketing, development, offering for sale, sale, or distribution of smokeless tobacco.
 - B. If [company] is not a subsidiary company, identify all of [company]'s direct and indirect subsidiary companies, and for each such subsidiary company: (1) provide its full name and address; (2) identify its direct parent company and all of its direct subsidiary companies; and (3) state whether it has any involvement in the manufacturing, labeling, advertising, promotion, marketing, development, offering for sale, sale, or distribution of smokeless tobacco.
5. Report the net (i.e., after accounting for returns) number of pounds of smokeless tobacco sold in the United States by the Company during calendar year 2019.³ This includes

² For the purposes of this Order, the term “subsidiary company” shall mean a company that is controlled by another entity; the term “parent company” shall mean an entity that controls another company; and the term “ultimate parent company” shall mean the highest level parent company that is not controlled by another entity.

Furthermore, for purposes of this Order, the term “control” (as used in the terms “control(s)” and “controlled”) shall mean: (a) holding 50 percent or more of the outstanding voting securities of an issuer; (b) in the case of an entity that has no outstanding voting securities, having the right to 50 percent or more of the profits of the entity, or having the right in the event of dissolution to 50 percent or more of the assets of the entity; or (c) being the managing partner in a partnership, even if such managing partner has a minority ownership interest in the partnership.

³ For the purposes of this Order, the term “the Company” shall mean: [company]; all entities identified in response to Questions 3 and 4, above that have any involvement in the manufacturing, labeling, advertising, promotion, marketing, development, offering for sale, sale, or distribution of smokeless tobacco; and all other entities related through common ownership or common governance that have any involvement in the manufacturing, labeling, advertising, promotion, marketing, development, offering for sale, sale, or distribution of smokeless tobacco. The term “company” shall not, however, include any entity: (1) whose only involvement in the manufacturing, labeling, advertising, promotion, marketing, development, offering for sale, sale, or distribution of smokeless tobacco is as a convenience store, supermarket, gas station, pharmacy, or other retailer; (2) that sells smokeless tobacco products that are not manufactured or imported by the company; and (3) for which sales of smokeless tobacco products and smokeless tobacco related merchandise constitute less than 25% of its total retail sales.

smokeless tobacco given for free to retailers

- B. State whether the Company or any other persons working for or on behalf of the Company paid any money or compensation, or made any other contribution (including, but not limited to, goods or services, including free smokeless tobacco) during calendar year 2019 to any individual, partnership, corporation engaged in the business of product placement in motion picture, television shows or video games. If so, please identify: the person who made the contribution; the recipient of the payment or contribution; the nature and amount of the payment or contribution; and the name of each and every motion picture, television show and video game in which any of the Company's smokeless tobacco products or smokeless tobacco brand imagery appeared in return for such payment or contribution.
- C. State whether the Company or any other persons working for or on behalf of the Company sought or solicited the appearance of any smokeless tobacco product or any smokeless tobacco brand imagery in any motion picture, television show(s) or video game(s) during calendar year 2019. If so, please identify those show(s), movie(s), and video game(s).
- D. State whether the Company or any other persons working for or on behalf of the Company granted approval or otherwise gave permission for the appearance of any smokeless tobacco product or any smokeless tobacco brand imagery in any motion picture(s), television show(s) or video game(s) during calendar year 2019. If so, please state which show(s), movie(s), and video game(s).
- E. State whether the Company or any other persons working for or on behalf of the Company sought or solicited the appearance of any smokeless tobacco product or any smokeless tobacco brand imagery, or granted approval or otherwise gave permission for the appearance of any smokeless tobacco product or smokeless tobacco brand imagery, in any video appearing on the Internet, including, but not limited to, sites providing (s)-1 v (s)-1 (s)-1 () [TJ25. tob s (he)-1 (r)nr (he) (o ga)-1 (m)8 (e)-

12. State whether the Company or any other persons working for or on behalf of the Company incurred any expenditures during calendar year 2019 in connection with public entertainment events (including, but not limited to, concerts and sporting events) bearing or otherwise displaying the name of the Company or any variation thereof but not bearing or otherwise displaying the name, logo, or an image of any portion of the package of any of its smokeless tobacco products otherwise referring or relating to smokeless tobacco. If so, please report the total amount of such expenditures during calendar year 2019, including all expenditures made by the Company in promoting or sponsoring such events.
13. Report the dollar amount expended during calendar year 2019 by the Company in the United States on advertisements directed to youth or their parents that are intended to reduce youth use of smokeless tobacco.

For items 513, above, if the responsive information exists only within subsidiaries, it is permissible to submit separate reports from each subsidiary with responsive information subscribed and sworn to by an official of each such subsidiary, who has prepared or supervised the preparation of the report from books, records, correspondence, and other data and material in its possession. In such case, an official of [company] must submit a report subscribing and swearing that the subsidiaries reports submitted constitute all relevant information for [company]

each variety of smokeless tobacco produced by the Company. Datafile No. 1, the Commission is requesting data at the variety level, rather than at the brand level.

Information for each brand variety of smokeless tobacco sold in the United States by the Company during calendar year 2019 (including brand varieties sold in a test market or on a limited market basis) should be entered as a separate entry.

⁷ For purposes of this Order, the term “brand” means smokeless tobacco products that bear a common identifying name or make, regardless of whether the products are differentiated by size or packaging; and the term “variety” refers to characteristics that differentiate products within a brand family packn aenhvst9t(a)-6ntif ois rhv fyi3 (yi/ar07-28.e)-1 o1 h 0 31p01 Tw 0 -1.t9t(1.1

in the United States during calendar year 2019 in packages containing fifteen ounces or more of smokeless tobacco, net of the number of ~~units~~ were returned.

DATAFILE NO. 2

INSTRUCTIONS FOR COMPLETING DATAFILE NO. 2:

The next 34 fields are used to record "Reportable Expenditures," that is, smokeless tobacco advertising, merchandising, and promotional expenditures in the United States for the specific categories requested by the FTC, as well as ~~total~~ sporting events totals. Please provide information for items 64 in thousands of dollars. Expenditures may be rounded to the nearest thousand dollars. For example, \$1,234,567 should be reported as either 1234.567 or 1235, ~~not~~ as 1234567.

The Commission is requesting that expenditures on smokeless tobacco advertising, merchandising, or promotion in the United States be reported only at the brand level, rather than at the variety level.

- i. The Commission is also requesting that expenditures on

Swisher	B
North Atlantic	C
Swedish Match	F
Altria	G

(3) BRAND NUMBER: FTC will assign these numbers. For the “Non-

facility or restricted area (whether open or enclosed) where the operator ensures or has a

person,

in any promotion or hear pre-recorded product messages, but excludes costs associated with having customer service representatives available for responding to consumer complaints or questions.

(31)

OTHER EXPLANATORY NOTES FOR DATAFILE NO. 2

Reportable expenditures, that is, expenditures on lines 6 should be included in only one category, except if any amounts also reported on line 4 (Sports). Expenditures on lines 6 32 should equal the total on line 33, and should reflect the cost to the Company of administering the activity involved, including commissions and other payments made to separate organizations such as advertising agencies. In addition, expenditures reported on lines 6 should include all expenditures for advertising and promotion relating to smokeless tobacco, regardless of whether the advertising or promotion would constitute commercial speech or would be protected from law enforcement action by the First Amendment. However, such expenditures should not include the compensation of full-time employees of the Company or any overhead expenses attributable to the activities of company employees.

The financial accounting procedure to be used in assigning an expenditure to a particular calendar year should be the accrual rather than the cash basis of accounting.

You are advised that penalties may be imposed under applicable provisions of federal law for failure to file special reports or for filing false reports.

The Special Report called for in this Order is to be filed on or before 30 June 2020.

By direction of the Commission.

Joseph J. Simon, Chairman

SEAL

Date of Order: [date]

The Report required by this Order, or any inquiry concerning it, should be addressed to:

Michael Ostheimer
Federal Trade Commission
Division of Advertising Practices
600 Pennsylvania Avenue, N.W., Mailstop CC40528
Washington, D.C. 20580

mostheime@ftc.gov