

April 27,2001

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. September 29,2000 letter from John Short, So20.0102/ à /I22.4001 Tm cm 93 43,20accoe

7.11.11

from C.

November

November

November

Embury, C.



Public Records

April 27, 2001

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25. December 7, 2000 letter from lett2-0.0081e.0048.1 303.94d Lee, 2000 3 25.

Southern Tobacco, Inc.

1231 N. Limestone St.

Gaffney, S.C. 29340

Tel: (864) 489-6194

Fax: (864) 488-3805

September 2000

Ms. Diana Winterson
Federal Trade Commission
601 Pennsylvania Avenue
D.C. 20580

~~Dear~~ Ms. Winterson

Southern Tobacco, Inc. located in
comply with the Federal Cigarette Labeling

would like to supplement ~~our~~ plan to

Inc.
St.

Trade

d to the

ANDREW M

NEVILLE
BEWNARO C. PESTCOE ■
MARTIN ■■■
F. PAUL ■■
WILLIAM H. NEWTON. III
W
STEPHEN ■■■
OF COUNSEL


MIAMI OFFICE

GAELES INTERNATIONAL PLAZA
PENTHOUSE 1D
CORAL GABLES, FLORIDA 33134-5826
VOICE: (305) 445-1667
FACSIMILE: (305) 441-7974

GROUP OFFICES

CLEVELAND
LOS ANGELES
NEW YORK
WASHINGTON, D.C
CHICAGO

C. Lee Peeler
Associate Director
of Practices
October 24, 2000
Page 2

with the Surgeon General warning language set forth in the statute: Durant Full Flavor King Box, Durant Full King Soft, Durant Full Flavor Soft, Durant Full Flavor Menthol Box, Durant Full Menthol Sofi, Durant Full Menthol 100 Sofi, Durant Ultra Light Soft, Durant Light Box, Durant Ultra Light 100's Soft, Durant Light **Box**, Durant Light Soft, and Durant Light Soft, and Durant Non-Filter Soft. Tobacco Distributing, Inc. has separate from the FTC to import the following three (3) foreign made brand of brands manufactured under the authority of Philip **Moms** Products: Red Light and Red Box and Palace brand styles. Tobacco Distributing, Inc. anticipates importing no more than the combined total of cigarettes of the referenced Durant styles during calendar This amount is computed based on **i** |  cases. **Each** master case generally contains (50) cartons, each containing ten packs of cigarettes. Consequently each master case contains a total of

C. Lee Peeler
Associate Director
Division of Advertising Practices
October 2000
Page

Second Quarter Warning (July - June): SURGEON GENERAL'S
WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And
May Complicate

Third Quarter (July - September): SURGEON GENERAL'S
Smoking Pregnant Women May Result in Fetal Injury,
Premature Birth, And Low Birth Weight.

Fourth Quarter Warning (October - December): SURGEON GENERAL'S
Cigarette Smoke Contains Carbon Monoxide.

previously mentioned the Durant brand style follow a quarterly Rotation Plan.

All packs will bear the original printed directly on the individual packs by the foreign
manufacturers. will have a 4 7 T c - 2 0 2
four specified on the CLAA appear exactly as shown on the

sample packs and cartons submitted to the Commission. Since Tobacco Distributing, Inc.
does not and will not the product, there is need to submit an advertising Plan.

We submit that the ciggog

October 26, 2000

Andrew M. Parish, Esq.
Trade Centre South, Suite 930
West Cypress Creek Road
Fort Lauderdale, FL 33309-2101

Dear Mr. Parish:

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 15 of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333 *et seq.* ("the Cigarette Act"). Pursuant to that delegation, I have reviewed the revised proposed plan filed on behalf of Tobacco Distributing, Inc. ("Tobacco Distributing") on October 24, 2000 calling for quarterly rotation of the health warnings on packaging of the Durant brand of cigarettes.

The health warnings on the artwork of the packs and cartons submitted on October 16, 2000 appear to comply with the requirements of the Cigarette Act for size and conspicuousness. When actual packaging is developed, Tobacco Distributing should submit samples to the Commission. Tobacco Distributing's plan for quarterly rotation of the health warnings on packaging of the Durant brand of cigarettes has been approved through December 31, 2000 subject to the



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

Division of Advertising Practices

November 1, 2000

Mr. Gitano Bryant
Tobacco Center, Inc.
6795 N.W. 87 Avenue
Miami, FL 33178

Dear Mr. Bryant:

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"). On September 5, 2000, I approved Tobacco Center, Inc.'s ("Tobacco Center") September 5, 2000 plan calling for the simultaneous display of the four health warnings on packaging of certain styles of the Corona and Palace brands of cigarettes, and for quarterly rotation of the health warnings in advertising of those brands. On September 27, 2000, Tobacco Center filed a supplement to extend its plan to include the Corona Light, Corona Menthol Light, and Palace Light brand styles. Based on mock-ups submitted on September 14 and 15, 2000, Tobacco Center's expansion of its plan was approved through October 31, 2000, contingent on the submission of actual packaging.

The warnings on the revised sample packaging submitted with your October 17, 2000 letter appear to meet the size and conspicuousness requirements of the Cigarette Act. The approval of Tobacco Center's plan for the Corona Light, Corona Menthol Light, and Palace Light brand styles is extended to December 31, 2000. Approval of the plan is contingent on its good faith implementation. We may ask for information demonstrating proper implementation of the plan.'

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lee Peeler".

C. Lee Peeler

C. Lee Peeler, Esquire
September 26, 2000

cc: Paul L. Perito, Esquire
Chairman, President and Chief Operating Officer

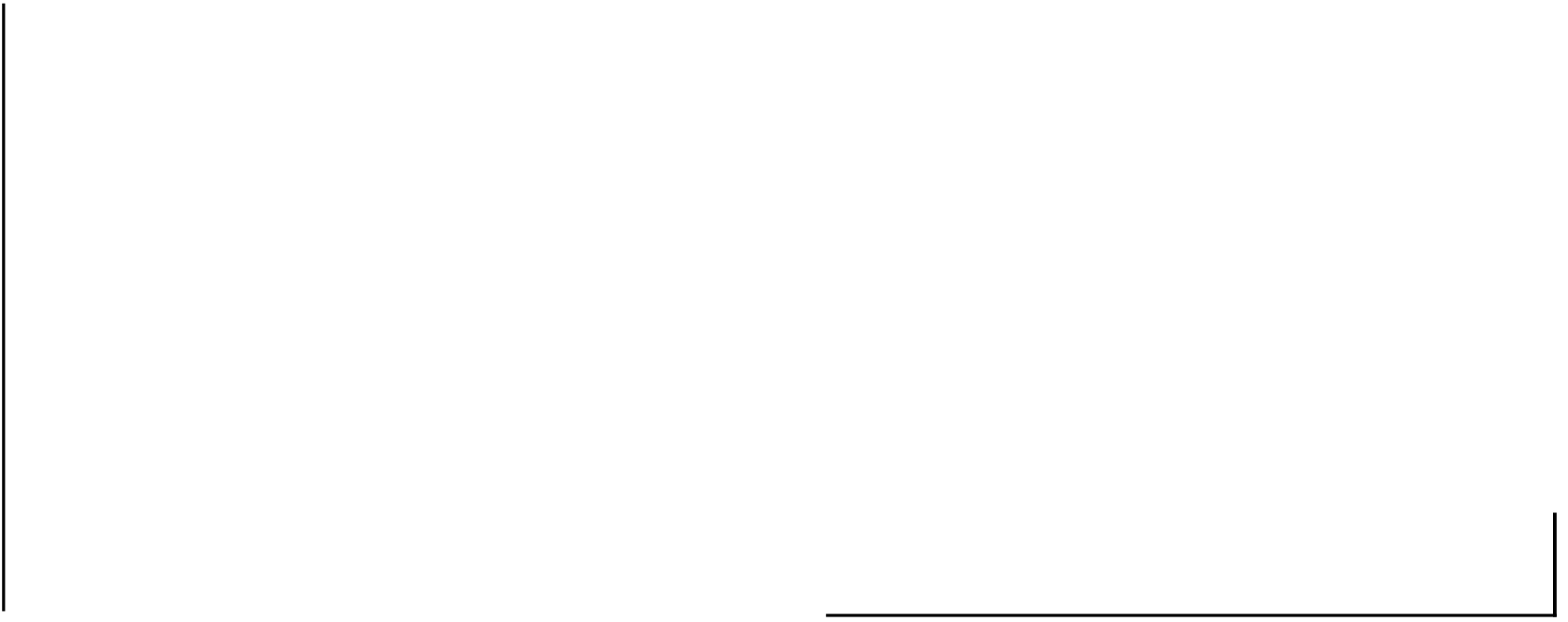
PAUL, HASTINGS, JANOFSKY & WALKER LLP

Ms. Sallie Schools
October 24, 2000

- Page 2

LAW OFFICES OF
PAUL HASTINGS, JANOFSKY
INCLUDING

LLP



PAUL HASTINGS, JANOFSKY & WALKER LLP

Ms. Sallie Schools
November 7, 2000
Page 2

I trust that the information set forth herein responds fully to the questions that **you** raised. If **you** have any further



Mr. David M. Dean
Star Tobacco Pharmaceuticals, Inc.
801 Liberty Way
Chester, VA 23836

Dear Mr. Dean:

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 _____ of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331, *et seq.* (“the Cigarette Act”). In a letter dated February 3, 2000, I approved a January 13, 2000 plan filed by Star Tobacco Pharmaceuticals, (“Star Tobacco”) calling for the simultaneous display of the four health warnings on the packaging of five specific brands of cigarettes and for quarterly rotation of the health warnings in the advertising for those brands. _____ a September 26, 2000 letter, along with supplemental letters dated October 24, 2000, and November 7, 2000, you propose to extend Star Tobacco’s plan to include the Advance brand of cigarettes.

Your plan for the rotation of the warnings in the advertising of the Advance brand 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. The approval of your plan for the rotation of the health warnings in advertising is _____ an approval 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 (Donna _____ at _____ **6-0213**) to determine whether such advertising on the Internet is

Star Tobacco’s sales appear to qualify for the alternative to quarterly rotation of the warnings on packaging. The warnings on the _____ (the _____ (_____ 0 Td4 09cTc 0.9

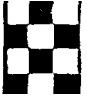
Mr. David M.

October 24, 2000

Ms. Diana Winterson
Federal Trade Commission
601

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C. Lee Breen



Mr.Ostheimer

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KING·MAKER M A R K E T I N G

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Mr.Michael

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Mr.Ostheimer

Advertising “

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e.g.

Ms.Sally

Gold Crest

Rotational Plan for the Surgeon General's Warnings for labeling and advertising materials.

The schedule of Surgeon General's warnings for packs, cartons and advertising materials for Gold Crest cigarettes will be as follows :

Ms.
Maker

—

LAW OFFICES OF
BARRY M. BOREN

Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, Florida 33156

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

October 26, 2000

Mr. C. Lee Peeler, Associate Director
Division of Advertising Practices
Federal Trade Commission
601 Pennsylvania Avenue, N.W. Room 4213
Washington, D.C. 20580

Attention: Michael Ostheimer, Esq.

Amendment to the
Surgeon General's Warning Rotation Plan for
Southern Tobacco, Inc.
For Columbus Cigarettes

Dear Mr. Peeler:

Please be advised that we are the attorneys for an importer of tobacco products, Southern Tobacco, Inc. ("Southern"), a Florida corporation, with offices located at 5406 Airport Blvd., Tampa, Florida 33634, which wishes to file a 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 a private label brand of cigarettes they wish to import into the United States. The contact person for the company will be its President, Kurt Jurado, 5406 Airport Blvd., Tampa, Florida 33634. Southern has already submitted rotation plans for "made under the authority" Marlboro cigarettes and private label cigarettes being imported under the name "Olympus." ¹ This application is for private label cigarettes being imported is

Eventhough Southern qualifies as a small as defined by the Act, Southern wishes to submit to the FTC a plan to rotate the warning statements as required by 15 U.S.C. The plan we wish to submit requires that Southern rotate quarterly, in an alternating sequence, each of the four warning statements which will appear on the packages and cartons of the Columbus brand cigarettes. Southern will begin with the warning "SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide." and will use this label during the fourth quarter (October to December It will alternate labels on the first of each calendar quarter thereafter January 1 April 1 and July 1

From Oct. to 31st Southern will use the warning:

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

From January 1 to March Southern will use the warning:

SURGEON GENERAL'S WARNING:
Quitting Smoking Now Greatly Reduces Serious
w a r n i n g s t a t e m e n t s
Quitting

artwork for the cartons which were submitted on October are not in compliance with the Act. To bring these cartons into compliance, Southern proposes to sticker each carton with the appropriate health warnings in the same rotation sequence as referenced above. Attached hereto as Exhibit "C" are the four warning stickers (one with each warning) Southern intends to place on the cartons. These labels will be placed exactly as demonstrated on the sample carton enclosed with this submission. All the letters in the label will be conspicuous, in a legible type, with black print on a white background.

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

Each pack and carton imported by Southern will have a country of origin placed on the pack or carton as required by 19 U.S.C. 1304. Southern will ensure that the country of origin will not obscure, or otherwise interfere with, the Surgeon General's Warning in any way.

Please be advised that, at this time, Southern does not advertise, and therefore, 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 n o

EXHIBIT 'A' LIST OF CIGARETTES

• **Columbus**

Columbus Full Flavor 100's Soft
Columbus Full Flavor King Soft
Columbus Lights 100's Soft
Columbus Lights King Soft
Columbus Lights Menthol 100's Soft
Columbus Full Flavor King Box
Columbus Menthol Lights King Box
Columbus Lights King Box

Columbus\Columbus-Exhibit-List

EXHIBIT "B" COLUMBUS

QUARTER ONE:

<u>Brand</u>	Warning
Olympus	Lung Cancer
Columbus	Quitting Smoking

QUARTER TWO:

Olympus	Quitting Smoking
Columbus	Lung Cancer

QUARTER THREE:

Olympus	Carbon Monoxide
Columbus	Pregnant Women

QUARTER FOUR:

Olympus	Pregnant Women
Columbus	

EXHIBIT "C"

**Stickers to be Placed on Cigarette Cartons Pursuant to the
Supplement to the Surgeon General's Warning Rotation Plan for 2000 for**

SOUTHERN TOBACCO, INC.

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

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

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

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

▪
*
Bany M. Boren, Esq.
November 22, 2000
Page 2

submitted to the Commission, after December 8, 2000. Importing or attempting to import
cigarettes

Texas, Comanche of
Distributor, # 99002595 98600087
Taxpayer
USA Importer of Tobacco Products
A Subsidiary
SC Manufacture Distributors,
USA of Tobacco Products
4801 Baldwin Corpus Christi, 784
361-882-0200 361-882-0201

Attention, Schoolr,
Mr. C. Peeler,
Division of Advertising Practices,
Trade Commission,
601 Pennsylvania Avenue, Room 4002
Washington, DC

Ref: The of our Comanche Class (A)

Dear Peeler,

Our company is styles of Comanche
we will comply with the Health Warning Display Requirement

Brown

SCHEDULE QUARTERLY ROTATION

	Comanche Regular	Comanche Light	Comanche Menthol
1ST Quarter	A	B	C
2ND Quarter	B	C	D
3RD Quarter	C	D	A
4TH Quarter	D	A	B

(A)

SURGEON D

(B)

(C)

(D)

EXHIB "A"

**THE FOLLOWING IS A *COPY OF* THE STICKERS WILL
HAVE PRINTED AND PLACED ON EACH PACKS OF THE 3
STYLES OF COMANCHE C**



Inc.

Christi,

§§

1333(c)

Inc.

your

label

packaging

On

imprinted



LAW OFFICES OF
BARRY M. BOREN

Dadeland Towers
9200 South Dadeland Boulevard
Suite 412
Miami, Florida 33156

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

November 27, 2000

Mr. C. Lee Peeler,

24th

§1331 *seq.*)

verify

importer/manufacture

15 §1333(c)(1).

Mr. C. Lee Peeler, Associate Director
Federal Trade Commission

Page 2
November 27, 2000

cigarettes. South Florida will begin with the warning "SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide." and will use this label during the fourth quarter (October 1st to December 31st). It will alternate labels on the first of each calendar quarter thereafter (i.e., January 1st, April 1st, and July 1st).

From Oct. 1st to South Florida will use the warning:

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

From January 1 to March 31st South Florida will use the warning:

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

From April 1st to June 30th South Florida will use the warning:

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

From July 1st to September 30th South Florida will use the warning:

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

The artwork for the packs and cartons of the Columbus cigarettes enclosed with this submission show exactly where and how the Surgeon General's health warnings will appear on the individual packs and cartons South Florida will be importing. These warning labels will be printed on the packs and cartons by the manufacturers in the place and in the manner indicated.

We understand that the Surgeon General's Health Warning label printed on the artwork for the cartons which are attached are not in compliance with the Act. To bring these cartons into compliance, South Florida proposes to sticker each carton with the appropriate health warnings in the same rotation sequence as referenced above. Attached hereto as Exhibit "B" are the four warning stickers (one with each warning) South Florida intends to place on the cartons. These labels will be placed exactly as demonstrated on

Mr. C. Lee Peeler, Associate Director
Federal Trade Commission

Page 3
November 27, 2000

the sample carton enclosed with this submission. All the letters in the label will be

EXHIBIT 'A' LIST OF CIGARETTES

• Columbus

Columbus Full Flavor 100's Soft

Columbus Full Flavor King Soft

Columbus Lights 100's Soft

Columbus Lights King Soft

Columbus Lights Men's Lights 421213705TD 92-62DC4396 0050 (S 58850BDC.0242018458B0e

EXHIBIT 'B'

Stickers to be Placed on Cigarette Cartons Pursuant to the
Surgeon General's Warning Rotation Plan for 2000 for
SOUTH FLORIDA TOBACCO PRODUCTS, INC.

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

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

R GENERAL 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.

—

—

—

Barry M. Boren, Esq.
December 5, 2000
Page 2

submitted to the Commission, after December

William E. Ford

Attorney at

Box 44021
Eden Prairie. 55347

612-934-1220
612-938-2 73

August **29.2000**

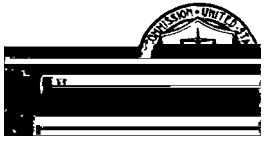
Sallie Schools
Federal Trade Commission
60 Pennsylvania Avenue, NW
Washington, DC 20580

RE: New World Trading *Co.*

Dear Schools:

I am on behalf of my client, New World Trading Co. New World Trading Co. **is** located at 2533 Ave. Minneapolis. MN **55404**. The owner **of** New World Trading Co.. Mr. Peter Ratsamy has corresponded with **your** offihi 0 13 13

Also please find enclosed **as** Exhibit the four warning labels to be attached to each carton of cigarettes. Each warning label will be attached so **as** to equalize the use of the four warning labels throughout the year. Please note that we have corrected the warning label "Smoking ~~to~~four



44021 Esq.

Mr.

Commission")

1333(c)

§§ _____

Act"),

Commission,

William E. Ford, Esq.
December 7, 2000
Page 2

December **8,2000**. Approval of the plan is contingent 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. New World may also submit a plan that complies with both the Cigarette Act and the ~~Tariff~~ Suspension and Trade Act.

If New World does decide to advertise in the future, it must submit a plan detailing how it will ~~figure~~ Cigarette Act ~~how~~ ~~po~~ ~~s~~ ~~h~~

C. Lee Beeler



CanStar (U.S.A.), Inc.

4960 SW 72 Avenue, Suite 308, Miami, FL 33155
305-666-3131 Fax: 305-666-1677
Email: canstar@bellsouth.net

December 7, 2000

C. Lee Peeler
Associate Director
Division of



Health warning for the Third Quarter is as follows (July 1 through Sept. 30)

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

Health warning for the Fourth Quarter is as follows (**Oct. 1** through Dec. 31)

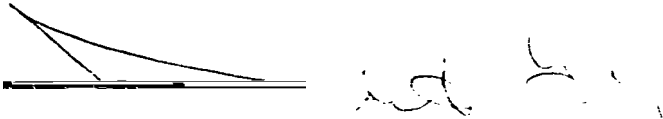
SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

since CanStar does not, and will not advertise the product to **consumers**, there is no need **to** submit a advertising Plan.

We submit that the foregoing complies with the requirements set forth in the Federal Cigarette Labeling and Advertising **Act**, as amended, and request expedited approval of **this** request. Should **this** request conform to your requirements, we request that the letter evidencing approval be **faxed** to the undersigned at **the** above **fax** number.

Should you require any additional information with respect to the foregoing, please contact **the** undersigned at the above Miami, Florida address.

Respectfully submitted,
CanStar USA, Inc.



Paul A. Embury
Director

c.c. Mr. Michael Ostheimer, Analyst (via **fax**)
Federal Trade Commission

Ret: FTC

72nd Inc.
FL

Mr.

Mr. Paul A. Embury, Director
Canstar (U.S.A.), Inc.
December 7, 2000
Page 2

If Canstar 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 and importers 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.

Sincerely,
rettes.



Mr.

Inc.

—

WINNER

1108 Brighton Blvd.
Minneapolis **55413**

Tuesday, December 05, 2000

Mr. C. Lee Peeler

Director

Division of Advertising Practice

Federal Commission

—

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 the four warning specified in the Cigarette Act appear on the individual packs cartons of each brand style an equal number of times during the year. the manufacturer will print packs on sheets. containing packs each. in a row of Because of **this**. it is very *easy* to printing machine so that each row is printed with a different **Health** That way. it is certain that no matter **how** many **sheets** of packs *are* 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 **16**, cartons are printed per sheet. giving us one of each Health Warning on each printed sheet. During the year. the company will maintain a log for brand style **of** cigarette to determine if the cigarettes it has had an equal number of the 4 Health on packs and

1333(c)

—

Mr. Kouzhaya Suhyoun
December 14,2000
Page 2

You should also be aware that Section

