

4. A. If > & 2 0 3 \$ 1 < 1 \$ i e a subsidiary company, identify all direct and indirect subsidiary companies of & 2 0 3 \$ 1 < 1 \$ (@ s ultimate parent company, and for each such subsidiary company: (1) provide its full name and address; (2) identify its direct parent company and 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 > & 2 0 3 \$ 1 < 1 \$ i e n a subsidiary company, identify all of > & 2 0 3 \$ 1 < 1 \$ e (i) direct and indirect subsidiary companies, and for
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smokeless tobacco given for free to retailers for subsequent sale to consumers. Report sales in whole pounds.

6. Report the net (e).

individual packages containing:

- (a) less than 1 ounce of smokeless tobacco;
- (b) from 1 ounce to less than 2 ounces of smokeless tobacco;
- (c) from 2 ounces to less than 5 ounces of smokeless tobacco;
- (d) from 5 ounces to less than 10 ounces of smokeless tobacco;
- (e) from 10 ounces to less than 15 ounces of smokeless tobacco;
- (f) 15 ounces or more of smokeless tobacco.

This should include all smokeless tobacco product units distributed for free, whether through sampling, coupons for free product, buy two, get one free type offers, or otherwise, as long as such smokeless tobacco product units were not reported as sold in response to Question 6, above. Each unit given away should be reported in the smallest size package in which it could have been given away to consumers.

- 9. Report the dollar amount expended in calendar year 2021 by the Company on smokeless tobacco advertising, merchandising, or promotion in the United States in each category specified in fields 34 of Datafile No. 2. This request is in addition to the request for the electronic datafile.
- 10. A. 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) in connection with any production or filming of any motion picture(s), television show(s) (including scripted, original shows streamed via the Internet), or video game(s) during calendar year 2021. If so, please identify those show(s), movie(s), and video game(s), and the dollar value of each payment or

Armed Forces of the United States located outside the United States; or (c) for delivery to a vessel or aircraft of the Armed Forces of the United States, supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States.

⁶ The term "smokeless tobacco advertising" does not refer to and should not be construed to include: (a) company or divisional names, when used as such,

contribution.

- 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 2021 to any individual, partnership, or corporation engaged in the business of product placement in motion pictures or television shows (including scripted, original ID ()Tj 0 -8.045 TD (iersf2noriginalD (5.7/cj ET EMC ft/eam bu
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DATAFILE NO. 1

INSTRUCTIONS FOR COMPLETING DATAFILE NO. 1

Sales data and certain other information are to be reported on Datafile No. 1 separately for each variety of smokeless tobacco produced by the Company. For Datafile No. 1, the Commission is requesting data at the variety level, rather than at the brand level.⁹

Information for each brand variety of smokeless tobacco sold in the United States by the Company during calendar year 2021 (including brand varieties sold a test market or on a limited market basis) should be entered as a separate entry.

There are 2 separate pieces of information ("fields") requested on Datafile No. 1 for each brand variety.

FIELD DEFINITIONS FOR DATAFILE NO. 1:

(1) YEAR COVERED: Refers to the calendar year for which data or other information is being reported. Entered as "20XX".

The next three fields in the record will be used to create a unique identifier for each brand variety of smokeless tobacco. The Company should enter the Company Code; the Commission will enter the brand and variety identification codes.

(2) COMPANY CODE: Enter assigned letter:

Reynolds American	A
Swisher	B
North Atlantic	C
Swedish Match	F
Altria	G

(3) BRAND NUMBER: FTC will assign these numbers.

(4) VARIETY CODE: FTC will assign these numbers.

The next four fields include the brand name and characteristics that make the variety unique. These are:

⁹ Thus, a brand with one variety will have one record specific to that one variety; a brand with 20 varieties will have 20 records.

(5) BRAND NAME: Refers to the brand identified on the packaging. If the product is generic or private label, indicate "GENERIC" and complete a separate record for each distinct variety.

(6) PRODUCT TYPE: Refers to the type of product, that is, moist scotch snuff, looseleaf, or plug chewing tobacco, etc. The Commission has assigned a code letter for various product types. Enter the appropriate letter:

Looseleaf	A
Chewing Tobacco	B
Plug	C
Twist	D
Scotch Snuff	E
Dry Snuff	F
Moist Snuff	G
Snus	H
Dissolvable	I
Other	J

(7) FLAVOR: Description of product flavoring.

(8) VARIETY DESCRIPTION: Refers to any additional description as identified on the packaging or in advertising. The description typically includes characteristics such as grade of tobacco, and other advertised characteristics of the product.

The next 14 fields are used to record the net pounds sold, the net dollar value of those sales, the net number of units of each size category, the number of units given away of each size category, and any starting or ending date. Each unit sold should be reported in just one size category and should be reported in the smallest size category in which the unit could have been sold to consumers.

(9) POUNDS SOLD: Report one figure for total pounds of the brand variety sold in the United States during calendar year 2021, net of the number of pounds variety that were returned. Include smokeless tobacco given for free to retailers for subsequent sale to consumers. Please round to the nearest whole pound.

(10) DOLLAR SALES: Report one figure for the dollar value of this variety's sales in the United States during calendar year 2021, net of the value of this variety's returns. Please report in actual dollars, not in thousands or millions.

(11) UNITS SOLD-A: Report the number of individual units of the brand variety sold in the United States during calendar year 2021 in packaging containing less than one ounce of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(12) UNITS SOLD-B: Report the number of individual units of the brand variety sold in the

United States during calendar year 2021 in packages containing at least one ounce and less than two ounces of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(13) UNITS SOLD-C: Report the number of individual units of the brand variety sold in the United States during calendar year 2021 in packages containing at least two ounces and less than five ounces of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(14) UNITS SOLD-D: Report the number of individual units of the brand variety sold in the United States during calendar year 2021 in packages containing at least five ounces and less than ten ounces of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(15) UNITS SOLD-E: Report the number of individual units of the brand variety sold in the United States during calendar year 2021 in packages containing at least ten ounces and less than fifteen ounces of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(16) UNITS SOLD-F: Report the number of individual units of the brand variety sold in the United States during calendar year 2021 in packages containing fifteen ounces or more of smokeless tobacco, net of the number of units that were returned. This includes units given for free to retailers for subsequent sale to consumers.

(17) UNITS GIVEN-A: Report the number of individual units of the brand variety given away in the United States during calendar year 2021 in packages containing less than one ounce of smokeless tobacco, net of the number of units that were returned.

(18) UNITS GIVEN-B: Report the number of individual units of the brand variety given away in the United States during calendar year 2021 in packages containing at least one ounce and less than two ounces of smokeless tobacco, net of the number of units that were returned.

(19) UNITS GIVEN-C: Report the number of individual units of the brand variety given away in the United States during calendar year 2021 in packages containing at least two ounces and less than five ounces of smokeless tobacco, net of the number of units that were returned. away in the United States during year

smokeless tobacco, net of the number of units that were returned.

DATAFILE NO. 2

INSTRUCTIONS FOR COMPLETING DATAFILE NO. 2:

The next 34 fields are used to record expenditures on smokeless tobacco advertising, merchandising, or promotion in the United States for the specific categories requested by the FTC, as well as the total and sporting events. Please provide information for items 6-34 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.

The Commission is also requesting that expenditures on smokeless tobacco advertising, merchandising, or promotion in the United States that are not attributable to or in connection with any specific brand be reported in a "non-brand specific" record. Examples of such expenditures might include, among others, Category A expenses advertising or promoting all smokeless tobacco generally or all of the company's smokeless tobacco products but not any specific brand of smokeless tobacco and Category W expenses.

To the extent practicable, third-party agency fees relating to smokeless tobacco advertising, merchandising, or promotion should be reported in the categories of advertising or

Swedish Match	F
Altria	G

(3) BRAND NUMBER: FTC will assign these numbers. For the “Non-brand specific” record, enter the value 99.

(4) BRAND NAME: Refers to the brand identified in advertising. If the product is generic or private label, indicate “GENERIC.”

(5) PRODUCT TYPE: Refers to the brand’s product type, that is, moist or scotch snuff, looseleaf, or plug chewing tobacco, etc. The Commission has assigned a code letter for various product types. If a brand has varieties of more than one product type, but the varieties of any one product type represent 95 percent or more of the brand’s dollar sales, report that product type; otherwise, report “M” for “Multiple” product types. Enter the appropriate letter:

Looseleaf	A
Chewing Tobacco	B
Plug	C
Twist	D
Scotch Snuff	E
Dry Snuff	F
Moist Snuff	G
Snus	H
Dissolvable	I
Other	J
Multiple	M

(6) CAT-A-EXP (Category-A Expenses): Newspaper advertising but excluding, if practicable, those expenditures covered by Categories through V, which should be reported in those categories.

(7) CAT-B-EXP (Category-B Expenses): Magazine advertising but excluding, if practicable, those expenditures covered by Categories through V, which should be reported in those categories.

(8) CAT-C-EXP (Category-C Expenses): Outdoor advertising but excluding, if practicable, those expenditures covered by Categories through V, which should be reported in those categories. “Outdoor advertising” means: (a) billboards; (b) signs and placards in arenas, stadiums, and shopping malls, whether any of the foregoing are open or enclosed; and (c) any other advertisements placed outdoors, regardless of their size, including those on smokeless tobacco product retailer property.

(9) CAT-D-EXP (Category-D Expenses): Advertisements for audio-visual or video advertising on any medium of electronic communication not subject to the jurisdiction of the Federal Communications Commission. This category includes, but is not limited to, advertisements on: screen motion picture theaters, television screens or monitors in

residential dwellings, as in certain televised programs and through video cassette or DVD entertainment products; and television screens or monitors in commercial establishments, such as video arcades. This category does not include expenditures for advertising on the Internet, which should be reported in Categories W or X below.

(10) CAT-E-EXP (Category-E Expenses): Direct mail advertising but excluding, if practicable, those expenditures covered by Categories A through V or Category X, which should be reported in those categories.

(11) CAT-F-EXP (Category-F Expenses): Point-of-sale advertising that is materials displayed or distributed at a retail location, but excluding, if practicable, those expenditures covered by Category C or Categories A through V, which should be reported in those categories.

(12) CAT-G-EXP (Category-G Expenses): Price discounts paid to smokeless tobacco product retailers in order to reduce the price of smokeless tobacco products to consumers, including off-invoice discounts, buy downs, voluntary price reductions, and trade programs, but excluding retail-value-added expenditures for promotions involving free smokeless tobacco products (buy two, get one free) covered by Category D and expenditures involving coupons covered by Category T, which should be reported in those categories.

(13) CAT-H-EXP (Category-H Expenses): Price discounts paid to smokeless tobacco product wholesalers in order to reduce the price of smokeless tobacco products to consumers, including off-invoice discounts, buy downs, voluntary price reductions, and trade programs, but excluding retail-value-added expenditures for promotions involving free smokeless tobacco products (buy two, get one free) covered by Category D and expenditures involving coupons covered by Category T, which should be reported in those categories.

(14) CAT-I-EXP (Category-I Expenses): Promotional allowances paid to smokeless tobacco product retailers in order to facilitate the sale or placement of any smokeless tobacco product, including payments for stocking, shelving, displaying, and merchandising brands, volume rebates, incentive payments, and the cost of stock tobacco product given or free to retailers for subsequent sale to consumers but excluding, if practicable, those expenditures covered by Categories A through H, which should be reported in those categories.

(15) CAT-J-EXP (Category-J Expenses): Promotional allowances paid to smokeless tobacco product wholesalers in order to facilitate the sale or placement of any smokeless tobacco product, including payments for volume rebates, incentive payments, value-added services, promotional execution, and satisfaction of reporting requirements but excluding, if practicable, those expenditures covered by Categories A through I, which should be reported in those categories.

(16) CAT-K-EXP (Category-K Expenses): Promotional allowances paid to any persons other than retailers, wholesalers, and full-time company employees who are involved in the smokeless tobacco product distribution and sales process and to facilitate the sale or placement of any smokeless tobacco product but excluding, if practicable, those expenditures covered by Categories A through J, which should be reported in those categories.

consumer engagement.¹⁰ This item includes all expenditures made by the Company in promoting or sponsoring such events. When such activities are combined with consumer engagement in adult-only facilities, the expenditures connected with consumer engagement should be reported solely in Category Q.

(21) CAT-P-EXP (Category-P Expenses): Public entertainment events (including, but not limited to, concerts and sporting events) bearing or otherwise displaying the name, logo, or an image of any portion of the package of any of the Company's smokeless tobacco products or otherwise referring or relating to smokeless tobacco, that do take place in an adult-only facility. Such events must include entertainment, as opposed to simply consumer engagement. This item includes all expenditures made by the Company promoting or sponsoring such events.

(22) CAT-Q-EXP (Category-Q Expenses) All costs of consumer engagement of smokeless

events” includes, but is not limi

