

January 17, 2020

**EXEMPT**

R.J. Reynolds Tobacco Company  
Attention: Michael W. Ogden, Ph.D.  
Senior Vice President, Scientific & Regulatory Affairs  
RAI Services Company  
401 North Main Street  
Winston-Salem, NC 27101

**FDA Submission Tracking Numbers (STNs):** Multiple STNs, see Appendix A

Dear Dr. Ogden:

We completed review of your EX REQs<sup>1</sup> and determined that the new tobacco products listed in Appendix A are exempt from the requirements of Substantial Equivalence as of the date of this letter and the new tobacco products listed in Appendix B are exempt from the requirements of Substantial Equivalence effective on March 9, 2020.<sup>2</sup>

An Exemption Request may be made only by the manufacturer of a legally marketed tobacco product for a minor modification to that tobacco product. A legally marketed product appropriate for modification can be a tobacco product FDA has previously found exempt from substantial equivalence and for which an Abbreviated Report was submitted at least 90 days prior to making such introduction or delivery for introduction into interstate commerce for commercial distribution. Although the tobacco products in Appendix B that you propose to modify are tobacco products FDA has previously found exempt from SE, FDA received your Abbreviated Reports for these products on December 10, 2019. These tobacco products cannot be legally marketed tobacco products until 90 days after submission of the Abbreviated Reports, i.e., March 9, 2020. Therefore, the new tobacco products listed in Appendix B are exempt from the requirements of Substantial Equivalence effective on March 9, 2020.

Our finding does not mean we “approved” the new products specified in Appendix A; therefore, you may not promote or in any way represent the new tobacco products specified in Appendix A, or the labeling, as being “approved” by FDA (see Section 301(tt) of the FD&C Act).

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<sup>1</sup> Requests for Exemption from Substantial Equivalence (EX REQs) submitted under section 905(j)(3) of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

<sup>2</sup> See section 910(a)(3)(a) of the FD&C Act

**To market the new tobacco products that are the subject of these EX REQs, the following must be met:**

- 1. Submit a report under section 905(j)(1) (Abbreviated Report) that includes the information required in sections 905(j)(1)(A)(ii) and 905(j)(1)(B); and**
- 2. Ninety days have passed since FDA receipt of your Abbreviated Report.**

See Appendix C for FDA's recommended format for submitting of an Abbreviated Report.

In accordance with 40 CFR 1506.6, we will make your Environmental Assessment (EA) publicly available.

All regulated tobacco products, including the tobacco products specified in Appendix A, are subject to the requirements of the FD&C Act and its implementing regulations. It is your responsibility to ensure the tobacco products specified in Appendix A comply with all applicable statutory and regulatory requirements. FDA will monitor your compliance with all applicable statutes and regulations.

We encourage you to submit all regulatory correspondence electronically via the CTP Portal<sup>3,4</sup> using eSubmitter.<sup>5</sup> Alternatively, submissions may be mailed to:

Food and Drug Administration  
Center for Tobacco Products  
Document Control Center (DCC)  
Building 71, Room G335  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

The CTP Portal and FDA's Electronic Submission Gateway (ESG) are generally available 24 hours a day, seven days a week; if the upload is successful, submissions are considered received by DCC on the day of upload. Submissions delivered to DCC by courier or physical mail will be considered timely if received during delivery hours on or before the due date<sup>6</sup>; if the due date falls on a weekend or holiday, the delivery must be received on or before the preceding business day. We are unable to accept regulatory submissions by e-mail.

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<sup>3</sup> For more information about CTP Portal, see

<https://www.fda.gov/tobacco-products/manufacturing/submit-documents-ctp-portal>

<sup>4</sup> FDA's Electronic Submission Gateway (ESG) is still available as an alternative to the CTP Portal.

<sup>5</sup> For more information about eSubmitter, see <http://www.fda.gov/ForIndustry/FDAeSubmitter>

<sup>6</sup> <https://www.fda.gov/tobacco-products/about-center-tobacco-products-ctp/contact-ctp>

If you have any questions, please contact Jennifer Schmitz, M.P.H., Regulatory Health Project Manager, at (240) 402-5892 or Jennifer.Schmitz@fda.hhs.gov.

Sincerely,

**Digitally signed by Matthew R. Holman -S  
Date: 2020.01.17 15:35:12 -05'00'**

Matthew R. Holman, Ph.D.  
Director  
Office of Science  
Center for Tobacco Products

Enclosures:

Appendix A – New and Corresponding Original Tobacco Products Subject of This Letter  
Appendix B – New and Corresponding Original Tobacco Products Subject of This Letter  
Appendix C – FDA’s Recommended Format for Submitting an Abbreviated Report

**Appendix A**  
New and Corresponding Original Tobacco Products Subject of This Letter

| Common Attributes of EX REQs                                                                                                                                                                                                                                                                         |                                                           |                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| <b>Date of Submission:</b>                                                                                                                                                                                                                                                                           | November 18, 2019                                         |                                                           |
| <b>Date of Receipt:</b>                                                                                                                                                                                                                                                                              | November 18, 2019                                         |                                                           |
| <b>Product Manufacturer:</b>                                                                                                                                                                                                                                                                         | R.J. Reynolds Tobacco Company                             |                                                           |
| <b>Product Category:</b>                                                                                                                                                                                                                                                                             | Cigarettes                                                |                                                           |
| <b>Product Sub-Category:</b>                                                                                                                                                                                                                                                                         | Combusted, Filtered                                       |                                                           |
|                                                                                                                                                                                                                                                                                                      | <b>New Tobacco Product</b>                                | <b>Original Tobacco Product</b>                           |
|                                                                                                                                                                                                                                                                                                      | EX0000857: Newport Non-Menthol Gold Box <sup>7</sup>      | SE0003731: Newport Non-Menthol Gold Box <sup>7</sup>      |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                 | Box                                                       | Box                                                       |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                             | 20 Cigarettes                                             | 20 Cigarettes                                             |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                           | N/A                                                       | Previously Found SE                                       |
| <b>Length:</b>                                                                                                                                                                                                                                                                                       | 80 mm                                                     | 80 mm                                                     |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                     | 7.9 mm                                                    | 7.9 mm                                                    |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                  | 38%                                                       | 38%                                                       |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                        | None                                                      | None                                                      |
| <b>Modifications:</b>                                                                                                                                                                                                                                                                                |                                                           |                                                           |
| Addition/Deletion of tobacco additives:                                                                                                                                                                                                                                                              |                                                           |                                                           |
| <ul style="list-style-type: none"> <li>Deletion of fire-standards compliant (FSC) cigarette paper (b)(4) (b)(4); (b)(4) mg/cigarette)</li> <li>Addition of FSC cigarette paper (b)(4); target: (b)(4) mg/cigarette)</li> <li>Deletion of printed monogram ink (black) on cigarette barrel</li> </ul> |                                                           |                                                           |
|                                                                                                                                                                                                                                                                                                      | <b>New Tobacco Product</b>                                | <b>Original Tobacco Product</b>                           |
|                                                                                                                                                                                                                                                                                                      | EX0000858: Newport Non-Menthol Gold Box 100s <sup>7</sup> | SE0003730: Newport Non-Menthol Gold Box 100s <sup>7</sup> |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                 | Box                                                       | Box                                                       |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                             | 20 Cigarettes                                             | 20 Cigarettes                                             |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                           | N/A                                                       | Previously Found SE                                       |
| <b>Length:</b>                                                                                                                                                                                                                                                                                       | 99 mm                                                     | 99 mm                                                     |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                     | 7.9 mm                                                    | 7.9 mm                                                    |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                  | 33%                                                       | 33%                                                       |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                        | None                                                      | None                                                      |
| <b>Modifications:</b>                                                                                                                                                                                                                                                                                |                                                           |                                                           |
| Addition/Deletion of tobacco additives:                                                                                                                                                                                                                                                              |                                                           |                                                           |
| <ul style="list-style-type: none"> <li>Deletion of FSC cigarette paper (b)(4); target: (b)(4) mg/cigarette)</li> <li>Addition of FSC cigarette paper (b)(4); target: (b)(4) mg/cigarette)</li> <li>Deletion of printed monogram ink (blue) on cigarette barrel</li> </ul>                            |                                                           |                                                           |

<sup>7</sup> Brand/sub-brand or other commercial name used in commercial distribution.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | New Tobacco Product                               | Original Tobacco Product                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EX0000860: Lucky Strike Gold Box <sup>7</sup>     | SE0003731: Newport Non-Menthol Gold Box <sup>7</sup>      |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Box                                               | Box                                                       |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20 Cigarettes                                     | 20 Cigarettes                                             |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                                               | Previously Found SE                                       |
| <b>Length:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 80 mm                                             | 80 mm                                                     |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7.9 mm                                            | 7.9 mm                                                    |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 38%                                               | 38%                                                       |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                              | None                                                      |
| <b>Modifications:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                   |                                                           |
| Addition/Deletion of tobacco additives:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                   |                                                           |
| <ul style="list-style-type: none"> <li>• Deletion of FSC cigarette paper (b) (4) mg/cigarette)</li> <li>• Addition of FSC cigarette paper (b) (4) mg/cigarette)</li> <li>• Deletion of white tipping (b) (4) (b)(4); target: (b) (4) mg/cigarette)</li> <li>• Addition of white tipping paper (b) (4) target: (b) (4) mg/cigarette)</li> <li>• Deletion of lip release agent (b) (4) mg/cig)</li> <li>• Addition of lip release agent (b) (4) mg/cig)</li> <li>• Deletion of printed monogram ink (black) on cigarette barrel</li> </ul>               |                                                   |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | New Tobacco Product                               | Original Tobacco Product                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EX0000861: Lucky Strike Gold 100 Box <sup>7</sup> | SE0003730: Newport Non-Menthol Gold Box 100s <sup>7</sup> |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Box                                               | Box                                                       |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20 Cigarettes                                     | 20 Cigarettes                                             |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                                               | Previously Found SE                                       |
| <b>Length:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 99 mm                                             | 99 mm                                                     |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7.9 mm                                            | 7.9 mm                                                    |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 33%                                               | 33%                                                       |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                              | None                                                      |
| <b>Modifications:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                   |                                                           |
| Addition/Deletion of tobacco additives:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                   |                                                           |
| <ul style="list-style-type: none"> <li>• Deletion of FSC cigarette paper (b) (4) mg/cigarette)</li> <li>• Addition of FSC cigarette paper (b) (4) mg/cigarette)</li> <li>• Deletion of white tipping paper (b) (4) (b)(4); target: (b) (4) mg/cigarette)</li> <li>• Addition of white tipping paper (b) (4) (b)(4)]; target: (b) (4) mg/cigarette)</li> <li>• Deletion of lip release agent (b) (4) mg/cig)</li> <li>• Addition of lip release agent (b) (4) mg/cig)</li> <li>• Deletion of printed monogram ink (blue) on cigarette barrel</li> </ul> |                                                   |                                                           |

**Appendix B**  
New and Corresponding Original Tobacco Products Subject of This Letter

| Common Attributes of EX REQs                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                  |                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------|
| <b>Date of Submission:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | November 18, 2019                                |                                                      |
| <b>Date of Receipt:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | November 18, 2019                                |                                                      |
| <b>Product Manufacturer:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | R.J. Reynolds Tobacco Company                    |                                                      |
| <b>Product Category:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Cigarettes                                       |                                                      |
| <b>Product Sub-Category:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Combusted, Filtered                              |                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>New Tobacco Product</b>                       | <b>Original Tobacco Product</b>                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EX0000856: Lucky Strike Red Box <sup>7</sup>     | EX0000251: Newport Non-Menthol Box <sup>7</sup>      |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Box                                              | Box                                                  |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20 Cigarettes                                    | 20 Cigarettes                                        |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                              | Previously Found Exempt                              |
| <b>Length:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 80 mm                                            | 80 mm                                                |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 7.9 mm                                           | 7.9 mm                                               |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0%                                               | 0%                                                   |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                             | None                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>New Tobacco Product</b>                       | <b>Original Tobacco Product</b>                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EX0000859: Lucky Strike Red 100 Box <sup>7</sup> | EX0000230: Newport Non-Menthol Box 100s <sup>7</sup> |
| <b>Package Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Box                                              | Box                                                  |
| <b>Package Quantity:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20 Cigarettes                                    | 20 Cigarettes                                        |
| <b>Eligibility Status:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                              | Previously Found Exempt                              |
| <b>Length:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 99 mm                                            | 99 mm                                                |
| <b>Diameter:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 7.9 mm                                           | 7.9 mm                                               |
| <b>Ventilation:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0%                                               | 0%                                                   |
| <b>Characterizing Flavor:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                             | None                                                 |
| <b>Modifications:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |                                                      |
| Addition/Deletion of tobacco additives:                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  |                                                      |
| <ul style="list-style-type: none"> <li>• Deletion of cork-on white tipping paper (b)(4) (b)(4); target: (b)(4) mg/cigarette)</li> <li>• Addition of cork-on white tipping paper (b)(4) (b)(4); target: (b)(4) mg/cigarette)</li> <li>• Deletion of filter tow (b)(4) target: (b)(4) mg/cigarette)</li> <li>• Addition of filter tow (b)(4) target: (b)(4) mg/cigarette)</li> <li>• Deletion of water (b)(4) mg/cig))</li> <li>• Deletion of acetone (b)(4) mg/cig)</li> </ul> |                                                  |                                                      |

### Appendix C

#### FDA's Recommended Format for Submitting an Abbreviated Report

Mock-up Tobacco Company

April 3, 2015

US Department of Health and Human Services  
Food and Drug Administration  
Center for Tobacco Products  
Document Control Center  
Building 71, Room G335  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

RE: Abbreviated Report

To Whom It May Concern:

Mock-Up Tobacco Company provides this Abbreviated Report at least 90 days prior to the introduction or delivery for introduction into interstate commerce for commercial distribution of the new product, Cigarette Brand A. We submitted an Exemption Request (EX0000XXX) under section 905(j)(3) for the new product on February 1, 2015, and received a found exempt order from FDA on March 20, 2015.

I, John Doe, on behalf of Mock-Up Tobacco Company, certify that Cigarette Brand A is modified within the meaning of section 905(j)(3), the modifications are to a product that is commercially marketed and in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, all the modifications are covered by exemptions granted by the Secretary pursuant to section 905(j)(3), and I have taken actions to comply with the requirements under section 907 that are applicable to the product. I certify that this information is true and correct, and that I am authorized to submit this on the company's behalf. I understand that under section 1001 of title 18 of the United States Code, anyone who knowingly and willfully makes a materially false, fictitious, or fraudulent statement to the Government of the United States is subject to criminal penalties.

Sincerely,  
John Doe **[ink or digital signature]**  
Vice President  
Mock-Up Tobacco Company