

July 7, 2022

**EXEMPT**

ITG Brands, LLC  
Attention: Carole Folmar, Sr. Director, Product Integrity and Compliance,  
and Associate General Counsel  
714 Green Valley Road  
Greensboro, NC 27408

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

Dear Carole Folmar:

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.<sup>2</sup>

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).

**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 B 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.

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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

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.

If you have any questions, please contact Kenna Randall, M.P.H, Regulatory Health Project Manager, at (301) 796 - 4164 or [Kenna.Randall@fda.hhs.gov](mailto:Kenna.Randall@fda.hhs.gov).

Sincerely,

**Todd L. Cecil**

**-S**

Todd L. Cecil, Ph.D.  
Deputy Director for Regulatory Management  
Office of Science  
Center for Tobacco Products

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L. Cecil -S  
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Enclosures:

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

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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>

**Appendix A<sup>7</sup>**  
**New and Corresponding Original Tobacco Products Subject of This Letter**

<b>Common Attributes of EX REQs</b>		
Submission Date:	June 18, 2021	
Receipt Date:	June 18, 2021	
Applicant:	ITG Brands, LLC	
Product Manufacturer:	ITG Brands, LLC	
Product Category:	Cigarettes	
Product Sub-Category:	Combusted, Filtered	
<b>Attributes</b>	<b>New Tobacco Product</b>	<b>Original Tobacco Product</b>
STN:	EX0002078.PD1	EX0000446
Product name:	Kool Box	Kool Box
Eligibility status:	Not Applicable (N/A)	Previously Found Exempt
Marketing authorization date:	N/A	3/29/2019
Abbreviated report date:	N/A	4/17/2019
Package type:	Box	Box
Package quantity:	20 Cigarettes	20 Cigarettes
Characterizing flavor:	Menthol	Menthol
Diameter:	83 millimeters (mm)	83 mm
Length:	7.79 mm	7.79 mm
Ventilation:	10%	10%
Product modifications	Addition/Deletion of tobacco additives: <ul style="list-style-type: none"> <li>• Deletion of complex ingredient, fire standard compliant (FSC) cigarette paper (b) (4)</li> <li>• Addition of complex ingredient, FSC cigarette paper (b) (4)</li> </ul>	

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

Attributes	New Tobacco Product	Original Tobacco Product
STN:	EX0002078.PD3	EX0000445
Product name:	Kool Blue Box	Kool Blue Box
Eligibility status:	N/A	Previously Found Exempt
Marketing authorization date:	N/A	3/29/2019
Abbreviated report date:	N/A	4/17/2019
Package type:	Box	Box
Package quantity:	20 Cigarettes	20 Cigarettes
Characterizing flavor:	Menthol	Menthol
Diameter:	83 mm	83 mm
Length:	7.79 mm	7.79 mm
Ventilation:	29%	29%
Product modifications	Addition/Deletion of tobacco additives: <ul style="list-style-type: none"> <li>• Deletion of complex ingredient, FSC cigarette paper (b) (4)</li> <li>• Addition of complex ingredient, FSC cigarette paper (b) (4)</li> </ul>	
Attributes	New Tobacco Product	Original Tobacco Product
STN:	EX0002078.PD5	EX0000443
Product name:	Kool 100s Box	Kool 100s Box
Eligibility status:	N/A	Previously Found Exempt
Marketing authorization date:	N/A	3/29/2019
Abbreviated report date:	N/A	4/17/2019
Package type:	Box	Box
Package quantity:	20 Cigarettes	20 Cigarettes
Characterizing flavor:	Menthol	Menthol
Diameter:	97 mm	97 mm
Length:	7.89 mm	7.89 mm
Ventilation:	23%	23%
Product modifications	Addition/Deletion of tobacco additives: <ul style="list-style-type: none"> <li>• Deletion of complex ingredient, FSC cigarette paper (b) (4)</li> <li>• Addition of complex ingredient, FSC cigarette paper (b) (4)</li> </ul>	

## Appendix B

### 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