

INSTRUCTIONS

Every MSA Participating Manufacturer that intends to sell cigarettes/RYO's in the Commonwealth, whether directly or through any distributor, retailer, or similar intermediary must complete this certification form to be included or remain on the Directory. (Non-Participating manufacturers must file a different form - TES-006.)

This Certification must be completed in English. All attachments must include a certified English translation if the original document is in a different language.

Fill out the certification form completely. Do not leave any fields blank. Indicate N/A when applicable.

Attachments must clearly indicate the section to which it corresponds. In place of paper copies, we recommend that you send all attachments electronically.

Part I: Tobacco Product Manufacturer's Identification

Provide the company name and complete addresses. Provide the telephone number and fax number for the company official signing this certification. Provide an email address that is designated to receive all official office communication from our Office. Also, provide the company web address. Identify the name and title of the person completing the certification form. Identify factory addresses, telephone numbers and names of plant managers where the products are made. If using an outside agency to complete this certification, please identify the name of that agency.

In the blocks provided, supply the Manufacturer and/or Importer's information where applicable. Be sure to indicate N/A where not applicable. Do not leave any fields blank, as this will cause the certification to be rejected and returned.

You must indicate whether this is an annual, supplemental, quarterly or initial certification by checking one of the blocks.

Initial Certification questions should be completed by companies not currently included on the Pennsylvania Directory.

Part II: General Questions for the Manufacturer

Answer the questions by checking yes or no or N/A. Supply detailed explanations when indicated. Attach required documentation and check applicable boxes.

Part III: Brand Family Identification

Provide an electronic color copy of every brand style or promotional packaging. Include views of each side of the packaging with the UPC code clearly visible. Each time you change your packaging; add new brand styles; or, create a special, limited edition package, you must submit an electronic color copy. When in doubt about packaging submission, please contact our Office for clarification.

Please be sure the packaging provided is clear of any proprietary information as it will be displayed to the public on the Pennsylvania Tobacco Product Directory of Approved Brands.

Section A - Identify by brand and style all of the cigarettes/RYO that you intend to sell in Pennsylvania whether directly or through any distributor, retailer, or similar intermediary. For RYO, please include package type and size of all brands and styles that you intend to sell in Pennsylvania.

Do not include a brand family in the list unless the cigarettes/RYO are to be considered yours for purposes of calculating your payments under the Master Settlement Agreement (MSA). You need to have reported sales of those brands to the Independent Auditor, in the volume and shares as determined under the MSA.

Section B - Identify any brands and styles that you have discontinued selling in Pennsylvania and wish to remove from your Directory listing. For RYO, please include package type and size of all brands and styles that you intend to sell in Pennsylvania.

We recommend waiting a sufficient amount of time before delisting a brand to allow retailers time to clear their inventories.

Section C - Identify any brands and styles that currently are not on the Directory that you wish to add to your Directory listing. Only brands in compliance with FDA regulations are eligible for listing. For RYO, please include package type and size of all brands and styles that you intend to sell in Pennsylvania.

If, through a purchase or transfer, a brand family, style or formula has been manufactured by more than one manufacturer and/or a brand formula was ever marketed as another brand style, on a separate sheet of paper provide the name and address of every such other tobacco product manufacturer and the dates that such brand family, style or formula was produced and the brand names used. Also, provide the name and address of the tobacco product manufacturer from whom the formula was most recently purchased.

Part IV: Execution by Corporate Officer or Director

The person (designee) executing the Tobacco Manufacturer Certification Form must be an authorized Officer or Director of the Tobacco Product Manufacturer and is responsible for all information contained within. Questions regarding this certification may directed to the designee. A power of attorney will not be accepted. The designee's name and title must be printed and signed.

Definitions:

- a) "Brand Family" - All styles of cigarettes/RYO sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "kings," and "100s." The term includes any use of a brand name, alone or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors or any other indicia of any product identification identical or similar to or identifiable with a previously known brand of cigarettes/RYO.

- b) "Cigarette" - Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains any of the following:
- (1) Any roll of tobacco wrapped in paper, or in any substance not containing tobacco.
 - (2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette.
 - (3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette described in paragraph (1).
 - (4) Any "roll-your-own," which means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes. For purposes of this definition, 0.09 ounces of "roll-your-own" tobacco shall constitute one individual cigarette.
- c) "Enforcement Action"- Any lawsuit filed by any state against a Tobacco Product Manufacturer for failure to make MSA payments, escrow deposits and/or file a certification.
- d) "Non-Participating Manufacturer"- Any tobacco product manufacturer that is not a party to the Master Settlement Agreement (MSA).
- e) "Participating Manufacturer" - A tobacco product manufacturer that is a party to the Master Settlement Agreement (MSA).
- f) "Units Sold" - The number of individual cigarettes sold in this Commonwealth by the applicable tobacco product manufacturer during the year in question, as measured by taxes collected by the Commonwealth on packs, or "roll-your-own" tobacco containers, bearing the tax stamp of the Commonwealth required under section 1215 of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.