

661—61.13(101B) Marking reduced ignition propensity cigarette packaging.

61.13(1) Cigarettes that have been certified by a manufacturer in accordance with rule 661—61.3(101B) or rule 661—61.4(101B) shall be marked to indicate compliance with the requirements of this chapter. The marking shall be in eight-point type or larger and consist of one of the following:

a. Modification of the product's universal product code to include a visible mark printed at or around the area of the universal product code. The mark may consist of an alphanumeric or symbolic character or characters permanently stamped, engraved, embossed, or printed in conjunction with the universal product code.

b. Any visible alphanumeric or symbolic character or combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette package or cellophane wrap.

c. Printed, stamped, engraved, or embossed text that indicates that the cigarettes meet the standards of this chapter.

NOTE: Though compliance with this subrule may be achieved by any of the methods described above, the recommended marking shall be the letters "FSC" displayed in accordance with any of the methods described above.

61.13(2) A manufacturer shall use only one marking and shall apply the marking uniformly for all packages, including but not limited to packs, cartons, and cases and to brands marketed by that manufacturer.

61.13(3) A manufacturer shall present its proposed marking to the department for approval using the following procedures:

a. Requests for approval of a proposed marking shall be included in the certification submitted pursuant to rule 661—61.10(101B).

b. Upon receipt of the request, the department shall approve or disapprove the marking offered within ten business days of receiving a request for approval. If the department fails to approve or disapprove a proposed marking within ten business days, the marking shall be deemed approved.

EXCEPTION: A marking in use and approved for the sale of cigarettes in the state of New York shall be deemed approved.

61.13(4) A manufacturer shall not modify its approved marking until the modification has been approved by the department in accordance with subrule 61.11(3).