**Section 400.80 Marking of Cigarette Packaging**

a) *Cigarettes that have been certified by a manufacturer in accordance with* Section 400.60 *shall be marked to indicate compliance with the requirements of this Part. Marking shall be in 8 point type or larger and consist of:*

1) *Modification of the product UPC Code to include a visible mark printed at or around the area of the UPC Code. The mark may consist of alphanumeric or symbolic characters, or a combination of alphanumeric* and *symbolic characters, permanently stamped, engraved, embossed or printed in conjunction with the UPC* [425 ILCS 8/40(a)]*; or*

2) *A manufacturer's marking that is approved for use in the State of New York.* [425 ILCS 8/40(d)]

b) *A manufacturer must use only one marking, and must apply this marking uniformly for all packages (including but not limited to packs, cartons and cases) and brands marketed by that manufacturer.* [425 ILCS 8/40(b)]

c) *The OSFM must be notified* at the address specified in Section 400.10(a)(3) *as to the marking that is selected* [425 ILCS 8/40(c)].

d) *Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to OSFM for approval. Upon receipt of the request, OSFM will approve or disapprove the marking offered. Proposed markings shall be deemed approved if OSFM fails to act within 10 business days after receiving a request for approval.* [425 ILCS 8/40(d)]

e) *No manufacturer shall modify its approved marking unless the modification has been approved by OSFM in accordance with this* Section. [425 ILCS 8/40(e)]