

## Cahill Wins Appeal Against the FDA on Behalf of Lorillard Tobacco Company

Date: 08/27/12

A Cahill litigation team prevailed on behalf of the Lorillard Tobacco Company in an appeal by the U.S. Food and Drug Administration ("FDA"), challenging the U.S. District Court for the District of Columbia's decision to block the federal government from requiring tobacco companies to put graphic anti-smoking images on cigarette packaging. The suit had been brought by Lorillard, R.J. Reynolds Tobacco Co., Commonwealth Brands, Inc., and Liggett Group LLC in an effort to enjoin enforcement of the new law, which required the companies to display nine new graphic cigarette warning labels on all cigarette packages and advertisements by September 22, 2012. The district court had granted a preliminary injunction and summary judgment to the plaintiffs, and the government appealed both rulings. On August 24, 2012, the United States Court of Appeals for the District of Columbia Circuit upheld the lower court's ruling in a 2-1 decision, blocking the government from requiring tobacco companies to put anti-smoking images on cigarette packaging and advertisements. The court ruled that the proposed warnings violated the First Amendment in large part because the FDA had not presented "a shred of evidence" demonstrating that the warnings would lower smoking rates.

### Attorneys

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