
FDA Abandons Appeal Over Graphic Cigarette Warnings

Date: 3.20.2013

The U.S. Food and Drug Administration ("FDA") has abandoned its legal battle to require tobacco companies to place large, graphic anti-smoking images on cigarette packaging. The FDA had until March 25, 2013 to file an appeal with the U.S. Supreme Court to review an appeals court decision upholding a ruling that such a requirement violated First Amendment free speech protections. The FDA publicly announced that it will not appeal the ruling.

Earlier, Cahill prevailed on behalf of the Lorillard Tobacco Company in an August 2012 appeal by the FDA that unsuccessfully challenged the U.S. District Court for the District of Columbia's decision to block the federal government from requiring tobacco companies to include graphic images on cigarette packaging. The United States Court of Appeals for the District of Columbia Circuit upheld the lower court's ruling in a 2-1 decision. 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.

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