
<i>Pliva, Inc. v. Mensing</i>: Divided Supreme Court Finds FDA Warning Label Regulations Preempt State Tort Claims

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On June 23, 2011, in *Pliva, Inc. v. Mensing*, the Supreme Court, in a 5-4 decision, held that federal law and FDA regulations preempted state law tort claims against generic drug manufacturers over the inadequacy of their warning labels. In overturning contrary decisions by the Fifth and Eighth Circuits, the Court clarified the required "impossibility" that defendants must demonstrate to sustain a conflict preemption defense under the Supremacy Clause of the United States Constitution.

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