

Court-ordered anti-smoking ads challenged by firms

September 29 2014, by Michael Felberbaum

The nation's largest tobacco companies are challenging court-ordered advertisements requiring the cigarette makers to say they lied about the dangers of smoking.

The so-called corrective [statements](#) are part of a case the government brought in 1999 under the Racketeer Influenced and Corrupt Organizations Act. U.S. District Judge Gladys Kessler ruled in 2006 that the nation's largest cigarette makers concealed the dangers of smoking for decades and has since ordered them to pay for the statements in various advertisements in newspapers, as well as on TV, websites and cigarette pack inserts.

The companies involved in the case include Richmond, Virginia-based Altria Group Inc., owner of the biggest U.S. tobacco company, Philip Morris USA; No. 2 cigarette maker, R.J. Reynolds Tobacco Co., owned by Winston-Salem, North Carolina-based Reynolds American Inc.; and No. 3 cigarette maker Lorillard Inc., based in Greensboro, North Carolina.

In a brief filed Monday in the U.S. Court of Appeals for the D.C. Circuit, the companies argue that the corrective statements would require them to "shame and humiliate themselves by confessing to past misconduct and by branding themselves as liars." While the companies are willing to disseminate corrective statements that transmit public-health information about cigarettes, the statements go beyond "purely factual and uncontroversial" disclosures and are burdensome because the

statements will be made in multiple channels, they wrote.

Under the court order, each corrective ad is to be prefaced by a statement that a federal court has concluded that the defendant [tobacco companies](#) "deliberately deceived the American public." Among the required statements are that smoking kills more people than murder, AIDS, suicide, drugs, car crashes and alcohol combined, and that "secondhand smoke kills over 38,000 Americans a year."

The government faces a Dec. 8 deadline to respond to the companies' appeal but has previously said the statements need to be strong enough to protect people from future false statements made by [cigarette makers](#).

A [federal appeals court](#) in 2012 rejected efforts by the tobacco companies to overrule the ruling requiring corrective statements. The latest appeal targets the content of the statements and their implementation.

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