

US supreme court rejects challenge to new cigarette labeling

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Photo: Food & Drug Administration

But ruling from another court could still delay or thwart use of graphic anti-smoking images.

(HealthDay News) —The U.S. Supreme Court on Monday rejected a tobacco industry challenge to a controversial 2009 federal law that mandates graphic warning labels on cigarettes. The high court refused to hear the case, essentially upholding a lower court ruling in favor of the government's labeling changes.

However, the decision probably does not mean that smokers will soon be confronted by cigarette pack images of people dying from the ravages of smoking. That's because a second appeals court decision that blocked the label changes still stands.

Monday's decision by the Supreme Court focused on a case brought before the U.S. Court of Appeals for the Sixth Circuit in Cincinnati by the tobacco industry. The plaintiffs questioned the constitutionality of the Family [Smoking Prevention and Tobacco Control Act](#), which gives the U.S. [Food and Drug Administration](#) sweeping oversight over tobacco products.

"There were several different provisions of the law the [tobacco companies](#) requested the Supreme Court to consider, one of those was related to graphic labels," U.S. Food and Drug Administration

spokeswoman Jennifer Haliski explained.

On Monday, the high court said it was refusing to hear the Cincinnati case, meaning the appeals court's decision upholding the [constitutionality](#) of the 2009 law stands.

Among the provisions of the law the court let stand is the FDA's authority to mandate [warning labels](#) on [tobacco products](#).

However, even though the agency now has the authority to mandate new cigarette labels, the nature of those revisions remains tied up in another case.

The FDA had hoped to add graphic warning labels on cigarette packs depicting the harmful effects of smoking, and put them in place by last September. But that effort was stalled by a [federal appeals court](#) in Washington D.C. In that case, tobacco industry lawyers said that forcing companies to display such messages and images interfered with [cigarette makers' First Amendment rights](#).

In its decision, the Washington, D.C., court said the federal government had not shown enough evidence that the revised labels would reduce smoking rates. The court sent the issue back to the FDA for further study.

As it stands now, "FDA will undertake research to support a new rulemaking consistent with the Tobacco Control Act," Haliski said. She added that, for the time being, "FDA will need to conduct more research and propose new rulemaking to be able to implement graphic health warning labels."

According to Haliski, there appears to be no set timetable for developing new guidelines for graphic labels. In fact, it could take months or years before the agency proposes new graphic package labels.

One anti-smoking group wants swifter action.

"This decision allows the FDA to move forward with developing new graphic cigarette warnings that comply with both the 2009 law and recent court rulings. The FDA should quickly do so," Susan Liss, executive director of the Campaign for Tobacco-Free Kids, said in a statement released Monday.

"While the Sixth Circuit upheld the law's requirement for graphic warnings, a separate ruling by the U.S. Court of Appeals for the D.C. Circuit blocked the specific warnings the FDA proposed."

The 2009 law requires graphic warnings covering the top half of the front and back of [cigarette packs](#) and 20 percent of cigarette ads, Liss said. "The Sixth Circuit [Cincinnati] ruling found that the required warnings 'are reasonably related to the government's interest in preventing consumer deception and are therefore constitutional.' "

"FDA is pleased with today's decision and that the agency's work can move forward to implement the [Tobacco Control Act](#) in a way that addresses this significant public health problem," the agency said in a statement.

More information: For more information on the Tobacco Control Act, visit the [U.S. Food and Drug Administration](#).

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