In Victory for Public Health, Federal Appeals Court Upholds FDA's Graphic Cigarette Warnings

The graphic warnings are critically needed as the current text-only warnings have become stale and unnoticed, say public health advocates.

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Statement of American Academy of Pediatrics, American Cancer Society, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids and Truth Initiative

In a major victory for public health, a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit has unanimously upheld graphic health warnings on cigarette packs and advertising required under a 2020 FDA rule. This decision reverses a ruling by a lower court judge that blocked the warnings. Rejecting tobacco industry arguments, the appellate court found that the FDA's warnings are "factual and uncontroversial" and do not violate the First Amendment.

The appellate court decision affirms that the FDA's graphic cigarette warnings are both scientifically and legally sound. This decision is an important step toward finally implementing graphic cigarette warnings in the United States, which were first mandated by Congress in 2009. The graphic warnings are critically needed as the current text-only warnings have become stale and unnoticed since they were last updated in 1984. They are supported by extensive scientific evidence showing that graphic warnings are most effective at increasing public understanding of the dire health consequences of smoking. Because of the tobacco industry's repeated legal challenges, the U.S. currently ranks last in the world in the size of its cigarette warnings and has fallen behind the rest of the world in implementing graphic warnings, which are now required by 138 countries and territories. It is time for the U.S. to catch up with the rest of the world in implementing this best-practice policy to reduce tobacco use and save lives.

Congress first mandated the graphic health warnings as part of the 2009 Family Smoking Prevention and Tobacco Control Act, which required graphic warnings covering the top half of the front and back of cigarette packs and 20% of cigarette advertisements.

The tobacco companies' long legal battle against the graphic warnings exposes their sheer hypocrisy when they say they want to reduce the enormous harm caused by cigarettes. Far from

helping to create a smoke-free future, these companies are doing everything they can to perpetuate cigarette sales and fight policies like graphic warnings and the elimination of menthol cigarettes that would actually reduce cigarette use. Policymakers at all levels must stand up to this deadly industry and implement proven policies to reduce tobacco use, including graphic cigarette warnings and the elimination of menthol cigarettes and other flavored tobacco products.

The organizations issuing this statement joined an amicus brief in support of the FDA's graphic cigarette warnings.

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