

# LET'S BE TOTALLY CLEAR.

INHALING SECONDHAND SMOKE IMMEDIATELY INCREASES YOUR RISK FOR HEART DISEASE.



## SEPTEMBER 2009 TOBACCO INDUSTRY UPDATE

### BIG TOBACCO TRYING TO LEVERAGE RIGHT TO FREE SPEECH TO FIGHT BAN ON CANDY FLAVORED CIGARETTES

Flavored cigarettes will soon say farewell to the marketplace. The tobacco industry is in the early stages of stricter regulation as the first standard according to the Family Smoking Prevention and Tobacco Control Act, which gives the Food and Drug Administration authority over tobacco, will prohibit the sale of flavored cigarettes. While this is a positive step in the right direction for tobacco prevention and control, the tobacco industry is fighting back with an unbelievable legal tactic; it's trying to leverage the First Amendment, which guarantees the right to free speech to combat the new prohibition.

Tobacco companies, including Reynolds American, Inc. and Lorillard Inc. have filed a joint lawsuit The FDA, saying that the recent law imposes "unprecedented restrictions" on First Amendment rights.

In a statement released by R.J. Reynolds, they had this to say:

"This suit does not challenge Congress' decision to give the FDA regulatory authority over tobacco products, nor does it challenge the vast majority of the provisions of the new law," said Martin L. Holton III, senior vice president and general counsel for R.J. Reynolds. "However, the law contains provisions that severely restrict the few remaining channels we have to communicate with adult tobacco consumers and, in our opinion, cannot be justified on any basis consistent with the demands of the First Amendment."