Overview

Bloomberg, Law360, The National Law Journal, Reuters, and Cigar Aficionado covered Steptoe’s DC Circuit win for the cigar industry, including its leading trade groups the Premium Cigar Association, Cigar Rights of America, and the Cigar Association of America. On July 7, the DC Circuit unanimously blocked the US Food and Drug Administration (FDA) from requiring extensive health warnings on cigars, finding the agency failed to study whether the warnings would actually lower the number of smokers. The ruling strikes down warnings that would have been one of the nation’s most sweeping and intrusive instances of compelled speech, just as many other industries are facing compelled disclosure laws.

The appeals panel said that, while the FDA came to the conclusion that warnings would help convey the health risks of smoking, it neglected to consider how the warnings would affect smoking rates, in violation of the Tobacco Control Act and the Administrative Procedure Act. The court held that the agency needed to be, but was not, particularly careful as the large compelled warnings affected the industry’s First Amendment rights.

Steptoe partner Michael Edney served as lead counsel for the cigar trade associations in this matter and argued the case. He was named one of Law360’s “Legal Lions” for this win.

The full articles can be read at Bloomberg, Law360, The National Law Journal, Reuters, and Cigar Aficionado (subscriptions required).