Media Cover Steptoe's Victory for Premium Cigars Over FDA Premarket Review Process

Overview

Bloomberg, Cigar Aficionado, Convenience Store Decisions, and Law360 covered Steptoe's victory in the US District Court for the District of Columbia for the premium cigar industry. On August 19, Judge Amit Mehta blocked the US Food and Drug Administration (FDA) from applying its premarket review requirements of the final deeming rule to premium cigars because it failed to consider important issues about how premium cigars should be regulated when issuing the rule.

In Cigar Aficionado, Rocky Patel, owner of Rocky Patel Premium Cigars, stated: “This has been a well-thought out and hard-fought battle for saving the premium cigar industry and finally we can focus on what we do best.”

Robert Levin, owner of Ashton Distributors Inc. and retailer Holt's Cigar in Pennsylvania, agreed.

“It was a long and very expensive court case, but the premium cigar industry should celebrate. The Cigar Rights of America and the Premium Cigar Association financed the lawsuit, and we picked the right attorney to represent us. Not having to submit premarket approval and Substantial Equivalence filings for all our products will allow our small industry to not only survive but prosper and grow.”

In a press release issued by the Premium Cigar Association, Executive Director Scott Pearce remarked:

“This is another monumental victory for the premium cigar industry. We congratulate our legal team, led by Mike Edney of Steptoe & Johnson, on an important victory that protects the livelihood of PCA members across the country. This comes on the heels of legal victories striking down warning labels for premium cigars. Both our retail members and associate members provided important strategy and guidance in our legal, legislative, and regulatory appeals to define premium cigars and showcase their distinctiveness from the courts to Capitol Hill.”

On July 7, the DC Circuit unanimously blocked the FDA from requiring extensive health warnings on cigars, finding the agency failed to study whether the warnings would actually lower the number of smokers.

Steptoe partner Michael Edney served as lead counsel in these matters and argued the cases. He was assisted in the case by partner Shannen Coffin, of counsels Linda Bailey and John Byron, and associates Khristoph Becker, Quentin Johnson, and Tara Woods.

The full articles can be read at Bloomberg, Cigar Aficionado, Convenience Store Decisions, and Law360 (subscriptions required).