



# Altria Group v. Good, 555 U.S. 70 (2008)

Topics Covered: Anti-tobacco

**Outcome: Very Favorable**

## Issue

The issue in this case was whether the consent decrees of the Federal Trade Commission (“FTC”) or the Federal Cigarette Labeling and Advertising Act (the Labeling Act) preempted the Maine Unfair Trade Practices Act.

## AMA Interest

The AMA, in keeping with its objective of protecting public health, supports a smoke-free America.

## Case Summary

The plaintiffs in this class action sued under Maine’s Unfair Trade Practices Act, alleging that Philip Morris had deceived consumers by using the terms “light” and “lowered tar and nicotine” in marketing Marlboro Lights cigarettes. They asserted that these descriptors were deceptive because smokers of such cigarettes would generally compensate for the lower tar and nicotine levels, by, for example, taking deeper puffs or smoking more. The Marlboro Lights smokers would thus receive as much tar and nicotine as smokers of regular cigarettes.

The defendants countered that allowing such state-law claims would effectively impose a prohibition “based on smoking and health” of the sort expressly preempted by the Federal Cigarette Labeling and Advertising Act. The defendants also argued that plaintiffs’ state law unfair trade practices claims conflicted with the Federal Trade Commission’s regulatory approach as to the proper marketing of “light” and “low tar” cigarettes and were thus impliedly preempted as well.

The trial court held that the plaintiffs’ claims were preempted, but the United States Court of Appeals for the First Circuit reversed. The defendants appealed to the United States Supreme Court, which held, by a split decision, that the Maine law had not been preempted.

## Litigation Center Involvement

The Litigation Center joined an amicus brief to support the plaintiffs.

United States Supreme Court brief