



Food and Drug Administration v. Brown & Williamson Tobacco Corp.

529 U.S. 120 (2000)

Topics Covered: Anti-tobacco

Outcome: Very Unfavorable

Issue

The issue in this case was whether the Federal Food and Drug Administration (FDA) had authority to regulate tobacco products as customarily marketed, i.e., without manufacturer claims of therapeutic benefit.

AMA Interest

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

Case Summary

A group of tobacco manufacturers, retailers and advertisers filed suit, challenging FDA regulations governing tobacco products' promotion, labeling and accessibility to children and adolescents. Plaintiffs argued that the FDA lacked jurisdiction to regulate tobacco products marketed without manufacturer claims of therapeutic benefit. The trial court upheld the FDA's authority, but the Fourth Circuit Court of Appeals reversed, holding that Congress had not granted the FDA jurisdiction to regulate tobacco products. The Supreme Court affirmed the Fourth Circuit's decision, reasoning that Congressional intent to exclude tobacco products from the FDA's jurisdiction was clear from the Food, Drug, and Cosmetic Act (FDCA) since one of the statute's fundamental precepts is that any product regulated by the FDA that remains on the market must be safe, whereas the FDA had exhaustively documented that tobacco products were unsafe and dangerous.

AMA Involvement

The AMA joined in an *amicus curiae* brief with 33 other organizations in support of the FDA's position.

United States Supreme Court brief