



People v. R.J. Reynolds, 124 P.3d 408, 36 Cal. Rptr.3d 814 (Cal. 2005)

Topics Covered: Anti-tobacco

Outcome: Favorable

Issue

The issues in this case were whether distribution of free cigarettes in a private booth on public grounds violated a California statute, whether federal law preempted the California statute, and whether a fine against a tobacco company of almost \$15 million for violation of the statute was reasonable.

AMA Interest

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

Case Summary

The trial court found that R.J. Reynolds had violated a California statute, which prohibits the distribution of free cigarettes on public grounds. It was fined almost \$15 million. R.J. Reynolds argued that (i) the distribution of free cigarettes to adults in a guarded, private booth on public grounds did not violate the distribution ban, (ii) the Federal Cigarette Labeling and Advertising Act of 1965, 15 U.S.C. § 1334(b), preempted the state prohibition, and (iii) the civil penalty assessed against it was "grossly disproportional" to its violation.

The California Supreme Court reversed and remanded. It held that the distribution of cigarettes did violate the statutory ban and that the Federal Cigarette Labeling and Advertising Act did not preempt the state law. However, the Supreme Court found it unclear from the record whether the penalty was grossly disproportionate to the offense, in violation of the Eighth and Fourteenth Amendments to the United States Constitution and comparable provisions of Article I of the California Constitution. The Supreme Court directed the trial court to make further findings on and reconsider the proportionality issue.

Litigation Center Involvement

The Litigation Center joined a brief as amicus curiae with the California Medical Association, supporting the State of California against R.J. Reynolds. The amicus brief argued that the California statutory prohibition did not create an exception for private booths. The brief also emphasized the societal harm arising from allowing children to access cigarettes freely.

California Supreme Court brief