



# R.J. Reynolds v. FDA, 810 F.3d 827 (DC Cir. 2016)

Topics Covered: Anti-tobacco

**Outcome: Very Favorable**

## Issue

The issue in this case was whether three members of the Tobacco Products Scientific Advisory Committee (TPSAC), an advisory committee to the FDA, should have been disqualified from serving on that committee because of conflicts of interest.

## AMA Interest

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

## Case Summary

R.J. Reynolds challenged the validity of a 2011 TPSAC report on menthol cigarettes. Three of the TSPAC members had served as consultants to drug companies on smoking cessation products and/or had testified as expert witnesses against the tobacco industry. The tobacco companies contended that these members were conflicted and, under the Federal Advisory Committee Act, should have been disqualified from serving on the TSPAC.

On July 21, 2014, the district court found substantially in favor of the tobacco companies and enjoined the FDA to reconstitute the TSPAC membership. The FDA is appealed that decision.

On January 15, 2016, the Court of Appeals reversed the trial court injunction and ordered the case dismissed for lack of jurisdiction. The Court of Appeals found the case was not ripe for adjudication, and the plaintiffs, not having suffered an injury or even being in imminent danger of suffering an injury, lacked standing.

## AMA Involvement

The AMA, along with several other ant-smoking organizations, filed an amicus brief in the district court to support the FDA. They also filed an amicus brief to support the FDA on appeal.

United States Court of Appeals for the District of Columbia brief

United States District Court brief