



United States v. Philip Morris 556 F.3d 1095 (D.C. Cir. 2009)

449 F.Supp.2d 1 (D.D.C. 2006)

Topics Covered: Anti-tobacco

Outcome: Somewhat Unfavorable

Issue

The issue in this case was whether several major tobacco companies had violated the Racketeer Influenced and Corrupt Organizations Act ("RICO").

AMA Interest

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

Case Summary

The United States Department of Justice ("DOJ") sued several large tobacco companies under RICO, alleging that the companies had conspired to: (1) mislead the public about the dangers of smoking, (2) mislead the public about the dangers of secondhand smoke, (3) misrepresent the addictiveness of nicotine, (4) manipulate the nicotine delivery of cigarettes, (5) deceptively market cigarettes characterized as "light" or "low tar," while knowing that those cigarettes were at least as hazardous as full flavored cigarettes, (6) target the youth market, and (7) not produce safer cigarettes. In addition to monetary damages, the DOJ sought equitable relief, under which the tobacco companies would be required to remedy their past behavior by revising their marketing practices and by educating the public about the dangers of cigarette smoking.

After a nine month trial, with testimony from hundreds of witnesses, the trial court issued a nearly 1700 page decision and entered judgment against the tobacco companies. The court found violations under RICO and ordered extensive injunctive relief to remedy the tobacco companies' numerous misstatements and deceptions regarding the dangers of cigarette smoking. However, the court did not order the full relief requested. Both sides appealed.

The Court of Appeals affirmed the principal rulings of the lower court.

Litigation Center Involvement

The Litigation Center, along with several other medical societies, filed an amicus curiae brief in the Court of Appeals to oppose the tobacco companies. The brief pointed out that, even after

the trial, the tobacco companies continue to misrepresent the nature of their products and to market them in violation of the lower court's order. The brief argued that the remedies ordered by the lower court would be inadequate to prevent the tobacco companies' ongoing racketeering activities.

United States Court of Appeals for the District of Columbia Circuit brief