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Supreme Court To Allow Lawsuits Against ‘Light’ Cigarette Manufacturers For Fraudulent Advertising

Local Law Firm Weighs in on Supreme Court Ruling

Alexandria, LA – December 15, 2008 – The United States Supreme Court has denied immunity to cigarette manufacturers who are alleged to have violated consumer protections laws regarding “light” cigarettes. By a 5-4 vote, the Justices ruled that the Federal Cigarette Labeling and Advertising Act does not preempt state court lawsuits.

Neblett, Beard & Arsenault founder, Richard J. Arsenault, says today’s decision “is a step in the right direction for consumer rights.”

This case, the first of the Court’s 2008-2009 term, was raised by a class of Maine smokers who sued Philip Morris USA under state law. The smokers sought to stop the marketing “light” cigarettes.

The plaintiffs’ sued under Maine’s Unfair Trade Practices Act. They claimed the advertising and labeling was deceptive and provided evidence showing so-called “light” cigarette users compensated by taking deeper puffs, keeping the smoke in their lungs for longer periods of time, and/or smoking more cigarettes.

Phillip Morris argued that the 1969 Federal Cigarette Labeling and Advertising Act gave the commission the authority to regulate the cigarette industry, hence it barred state lawsuits. Initially, a trial court found for Phillip Morris, contending that smokers had no standing under state law to file such a claim The Justices disagreed.

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About Neblett, Beard & Arsenault

NB&A is an Alexandria-based law firm that has been in practice since 1982. With 12 practicing attorneys, Neblett, Beard & Arsenault is a leading law firm representing victims and consumers in a wide range of personal injury and complex litigation matters.