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## In Victory for Public Health, U.S. Supreme Court Refuses to Hear Tobacco Industry's Challenge to Graphic Cigarette Warnings

*Statement of the American Academy of Pediatrics, American Cancer Society, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids, and Truth Initiative*

**WASHINGTON, D.C. (November 26, 2024)** – In a tremendous victory for public health, [the U.S. Supreme Court](#) today refused to hear a tobacco industry challenge to graphic health warnings on cigarette packs and advertisements required under a [2020 FDA rule](#). The court's decision to deny *certiorari* leaves in place a [March ruling](#) by the U.S. Court of Appeals for the Fifth Circuit that upheld the FDA's proposed warnings. The Fifth Circuit found that the warnings are "factual and uncontroversial" and do not violate the First Amendment.

Today's Supreme Court's decision is a giant step toward finally implementing graphic cigarette warnings in the United States. Graphic warnings are a best-practice policy, and they are long-overdue in the United States. These warnings were first required by Congress in 2009 and have been repeatedly delayed by tobacco industry legal challenges. The graphic warnings will show and tell the truth about the deadly consequences of smoking and will promote greater public understanding of the many ways in which smoking harms the human body.

Today's Supreme Court action makes clear that the FDA's graphic warnings do not violate the First Amendment and removes the biggest legal hurdle to implementing these warnings. The case will now return to the U.S. District Court for the Eastern District of Texas to resolve tobacco industry claims involving administrative law. [The FDA has indicated](#) that it will begin enforcing the graphic warnings requirement in December 2025.

Congress first mandated the graphic health warnings as part of the 2009 Family Smoking Prevention and Tobacco Control Act, which required graphic warnings covering the top half of the front and back of cigarette packs and 20% of cigarette advertisements. These graphic warnings are critically needed as the current text-only warnings have become stale and unnoticed since they were last updated in 1984. The new warnings are supported by [extensive scientific evidence](#) showing that graphic warnings are most effective at increasing public understanding of the dire health consequences of smoking. Because of the tobacco industry's repeated legal challenges, the U.S. currently ranks last



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in the world in the size of its cigarette warnings and has fallen behind the [138 countries and territories](#) that require graphic warnings. The Supreme Court's decision clears the way for the U.S. to catch up with the rest of the world in implementing this lifesaving policy.

*Our organizations filed an [amicus brief](#) in the Fifth Circuit, joined by other public health and medical organizations, supporting the FDA's graphic cigarette warnings.*

### **About Truth Initiative®**

Truth Initiative is a national nonprofit public health organization committed to a future free from lifelong addiction, fostering healthier lives and a more resilient nation. Our mission is to prevent youth and young adult nicotine addiction and empower quitting for all. Through our evidence-based, market-leading cessation EX® Program and the nationally recognized **truth**® public education campaign, we are leading the fight against youth and young adult tobacco use, which threatens to put a new generation at risk of nicotine addiction. Our rigorous scientific research and policy studies, community and youth engagement programs supporting populations at high risk of using tobacco, and innovation in tobacco dependence treatment continue to contribute to ending one of the most critical public health battles of our time. Based in Washington, D.C., our organization was established and funded through the 1998 Master Settlement Agreement between attorneys general from 46 states, five U.S. territories, and the tobacco industry. To learn more, visit [truthinitiative.org](http://truthinitiative.org).

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