

4-25-97

For additional information contact:

Lance Morgan (202) 739-0285

or

Jennifer Swint (202) 739-0236

**Bozell, Sawyer, Miller**

### **COURT KNOCKS DOWN FDA ADVERTISING REGULATIONS**

GREENSBORO, NC - The U.S. District Court today ruled that the FDA cannot restrict the advertising and promoting of tobacco products and enjoined additional implementation of the regulations.

Since the Court ruled that FDA does not have authority under the food and drug laws to regulate tobacco advertising and promotion, it did not decide the Constitutional challenges the industry and the advertisers also had raised.

Under the Court's ruling, the FDA rules which attempt to limit, and in some cases eliminate, tobacco advertising and promotion cannot go into effect.

The Court also concluded that the Congress did not expressly prohibit the FDA from regulating tobacco products under existing law if the facts asserted in FDA's regulations are proven to be correct. The Court noted that the industry can contest those factual assertions as the case proceeds -- and we will.

As we have long stated, the public policy issues at stake in this case can be addressed most effectively through the legislative process of our government. By seeking a legislative solution, the issues presented in this case will receive a fair and thorough review in a forum that is the most appropriate for their consideration.

*(This is a joint statement on behalf of all the U.S. tobacco manufacturers.)*