

Justices refuse to hear appeal to LA County's flavored tobacco ban

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The U.S. Supreme Court refused to hear an appeal filed by R.J. Reynolds Tobacco Co. to Los Angeles County’s ban on the sale of flavored tobacco, which went into effect in December.

“This decision is a tremendous victory for kids and public health. It allows Los Angeles County’s law to remain in effect, while also preserving the authority of states and localities across the country to enact similar lifesaving measures,” Matthew L. Myers, president of the Campaign for Tobacco-Free Kids, stated. “R.J. Reynolds and other tobacco companies have desperately fought these laws so they can continue to target kids, Black Americans, and other communities with flavored products, including flavored e-cigarettes, menthol cigarettes, and flavored cigars.”

Kent R. Raygor, a partner, and Valerie E. Alter, special counsel, at Sheppard, Mullin, Richter & Hampton LLP represented Los Angeles County. R.J. Reynolds Tobacco Company, et al. v. County of Los Angeles, California, et al. (Supreme Court No. 22-338)

“The County’s 2019 ordinance banned the sale of flavored tobacco products based on evidence showing that the tobacco companies were using vaping products to target children,” Raygor said. “Studies also showed they had long used menthol-flavored cigarettes to target black and LGBTQ+ communities.”

Representatives from R.J. Reynolds did not respond to requests for comment. The company argued in court papers that the federal Tobacco Control Act of 2009, which gives the FDA jurisdiction to control the manufacture, distribution, and marketing of tobacco products, preempted the county ordinance.

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