CASE 2.1 Cipollone v. Liggett Group, Inc., et al., 505 U.S. 504 (1992)

FACT SUMMARY Cipollone brought suit against

Liggett for violation of several New Jersey consumer

protection statutes alleging that Liggett (and other

cigarette manufacturers) were liable for his mother’s

death because they engaged in a course of conduct

including false advertising, fraudulently misrepresenting

the hazards of smoking, and conspiracy to deprive

the public of medical and scientific information about

smoking. Liggett urged the court to dismiss the state

law claims contending that the claims related to the

manufacturer’s advertising and promotional activities

were preempted by two federal laws: (1) the Federal

Cigarette Labeling and Advertising Act of 1965, and

(2) the Public Health Cigarette Smoking Act of 1969.

SYNOPSIS OF DECISION AND OPINION The

U.S. Supreme Court ruled against Cipollone, holding

that his claims relying on state law were preempted by

federal law. The Court cited both the text of the statute

and the legislative history in concluding that Congress’s

intent in enactment of the laws was to preempt

state laws regulating the advertising and promotion of

tobacco products. Because Congress chose specifically

to regulate a certain type of advertising (tobacco), federal

law is supreme to any state law that attempts to

regulate that same category of advertising.

WORDS OF THE COURT: Preemption “Article VI of

the Constitution provides that the laws of the United

States shall be the supreme Law of the Land. Thus,

[. . .] it has been settled that state law that conflicts

with federal law is ‘without effect.’ [. . .] Accordingly,

‘the purpose of Congress is the ultimate touchstone’

of pre-emption analysis. Congress’s intent may be

‘explicitly stated in the statute’s language or implicitly

contained in its structure and purpose.’ In the absence

of an express congressional command, state law is

preempted if that law actually conflicts with federal

law, [. . .], or if federal law so thoroughly occupies a

legislative field ‘as to make reasonable the inference

that Congress left no room for the States to supplement

it.’ [. . .] [Cipollone’s] claims are preempted to

the extent that they rely on a state-law ‘requirement

or prohibition . . . with respect to . . . advertising or

promotion.’ ”