

## U.S. Supreme Court Shuts Down Appeal to Overturn Los Angeles County's Ban on Flavored Tobacco

### Decision Upholds Sheppard Mullin's Lower Court Victories for the County

02.28.2023

The U.S. Supreme Court today declined to grant a petition for certiorari filed by tobacco manufacturer R.J. Reynolds and others that sought to overturn Los Angeles County's ban on the sale of flavored tobacco products.

Sheppard Mullin had successfully defended the **County of Los Angeles** against claims by tobacco manufacturer R.J. Reynolds and others that the County's ordinance banning the sale of flavored tobacco products, including menthol-flavored products, was preempted by the federal 2009 Tobacco Control Act. In 2021, a federal district court found that the County's ordinance was not preempted and fell within the right of local governments to regulate the sale of tobacco products for public health and other local concerns.

The tobacco companies appealed to the United States Court of Appeals for the Ninth Circuit, which in 2022 affirmed the district court's decision. The tobacco companies then filed a petition for certiorari with the Supreme Court, which denied that petition on February 27, 2023, thereby ensuring that Los Angeles County's efforts to protect public health remain in place.

The case is R.J. Reynolds Tobacco Company, et al. v. County of Los Angeles, California, et al. (Ninth Circuit No. 20-55930, Supreme Court No. 22-338)

Kent Raygor and Valerie Alter of Sheppard Mullin represented Los Angeles County.

### Attorneys

Valerie E. Alter

Kent R. Raygor

### Practice Areas

Appellate

Litigation