

Judgment against Philip Morris thrown out

Court: Tobacco company's use of 'light' not deceptive

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Stephen Swedlow served as a lawyer for the plaintiffs who sued Philip Morris USA over the use of the terms "light" and "low tar."

SPRINGFIELD, Ill. -- The Illinois Supreme Court threw out a \$10 billion judgment against Philip Morris USA on Thursday, ruling that the company that makes top-selling Marlboros and other brands did not defraud customers in its marketing of "light" cigarettes.

The court reversed the verdict and sent the case back to Madison County court with instruction to dismiss the class-action lawsuit.

The state Supreme Court ruled in a 4-2 decision that the Federal Trade Commission specifically allowed companies to characterize their cigarettes as "light" and "low tar," so Philip Morris did not improperly mislead customers about the health impacts of its cigarettes.

"If the FTC has specifically authorized the use of the terms. ... PM USA [Philip Morris] may not be held liable under the Consumer Fraud Act, even if the terms might be deemed false, deceptive or misleading," Justice Rita Garman wrote for the majority.

A spokeswoman for Philip Morris USA, a unit of Altria Group Inc., said the company was "gratified" by the ruling but would have no further comment.

Stephen Tillery, a lawyer for the plaintiffs, said they would pursue appeal options, which include asking the state Supreme Court to reconsider its decision or heading to federal court. He said the court missed an opportunity to improve the world's health and reversed stances taken by other courts.

"For consumers in Illinois and throughout the world, it's a bad day," Tillery said. "We're very, very disappointed."

The cigarette maker, which accounts for about half of the U.S. cigarette market, argued the case should never have been declared a class-action on behalf of some 1.1 million light cigarette smokers who bought light cigarettes in Illinois.

The smokers did not accuse the company of harming their health. They claimed Philip Morris knew when it introduced light cigarettes in 1971 that they were no healthier than regular cigarettes, but hid that information and the fact that light cigarettes actually had a more toxic form of tar.