

Top Court Lets Smokers Sue for Fraud

By Adam Liptak

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WASHINGTON — Tobacco companies that marketed “light” cigarettes may be sued for fraud, the Supreme Court ruled on Monday in a 5-to-4 decision that will bolster dozens of lawsuits claiming billions of dollars in damages.

The case was brought by three smokers from Maine as a proposed class action. They sued Altria and its Philip Morris USA unit, alleging fraud under Maine’s Unfair Trade Practices Act and saying they had been injured by what they called the false statements of the companies.

Alan E. Untereiner, the author of a book on the pre-emption defense and a lawyer who often represents business groups and companies arguing for pre-emption, said Monday’s decision was “a step backward in the recent trend of making pre-emption law more coherent. I can’t remember the last time the court took a plurality opinion that caused this much confusion and bewilderment in the lower courts, and elevated it into a majority opinion.”

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