Washington wins important case against RJ Reynolds

Local News

Posted by: David Haviland

Posted on : July 14, 2009 at 5:27 am

OLYMPIA -They may have sent Joe Camel the way of the buffalo but that didn't stop tobacco giant R.J. Reynolds Tobacco Co. from violating the 10-year-old agreement prohibiting the use of cartoons in tobacco advertising, the Division One Court of Appeals ruled today.Washington was one of several states who filed suit against the tobacco company, alleging the November 2007 ad campaign for "The Farm: Free Range Music" in Rolling Stone included cartoon images in violation of the 1998 Tobacco Master Settlement Agreement (MSA).

Attorney General Rob McKenna, who recently completed three years as co-chair of the National Association of Attorneys General Tobacco Committee, called today's ruling a reminder of how committed the states are to enforcing the public health provisions of the MSA and prohibiting the illegal marketing of tobacco products."This lawsuit demonstrates, even 10 years later, states have not forgotten legacy of the Master Settlement Agreement," McKenna said. "This is the kind of advertising that brought about the Master Settlement Agreement in the first place and this is one of the on-going legal commitments tobacco companies made to the states. We are holding them accountable." A lower court ruled in favor of R.J. Reynolds in June 2008. Today's ruling reversed the lower court, awarded the state attorney's fees and costs and remanded the case for damages. Other states' cases continue through the legal process."This is a significant decision in that it's the first appellate court interpretation of the use of cartoons in tobacco advertising," said Senior Counsel Rene Tomisser, who argued the case and was recently promoted to section chief of the Attorney General's Office Complex Litigation Section.McKenna commended Tomisser, Senior Counsel Rusty Fallis, outgoing Complex Litigation Chief Jon Ferguson, assistant attorney general Steve Puz and paralegals Twyla Williams and Maggie Warren for their collaboration on this case.