



Is Tobacco Promotion an Issue of Free Speech, or Protecting the Public Health?

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Last November, the FDA ruled that tobacco manufacturers must include on their packaging **graphic depictions of the horrors smoking can wreak**. The new packaging was to take effect in autumn 2012.

Five tobacco companies now have taken the FDA to federal court, challenging the regulations. Among other things, they claim that the depictions:

- would unfairly dissuade adults from using a legal product;
- would cost millions;
- violate the First Amendment;
- “do not further any compelling governmental purpose”; and
- “would have few if any benefits.”

In case you're feeling the slightest twinge of sympathy for the tobacco makers, here's what Dr. Howard K. Koh, writing in the New England Journal of Medicine, says.

“A decade of experience in more than 30 other countries has demonstrated that such graphic warnings lead to an array of public health benefits. The warnings are more likely to be noticed than text-only labels, are viewed as more effective in communicating health risks to smokers and are associated with increased motivation on the part of smokers to quit smoking.”

Dr. Koh is assistant secretary for health in the U.S. Department of Health and Human Services. So he's defending his own decision. But knowing what we know about how tobacco poisons work throughout the human body, is this even a close question?

To see a slide show of the text and images for the new packaging, [click here](#).

And if you want to harken back to the olden days before we had any warnings on cigarette packs, and when the [manufacturers liked to use doctors to promote their smoky poisons](#), [check out this tour through nostalgia](#).

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