

U.S. Court of Appeals Upholds Postponement of FDA Graphic Cigarette Warnings

On Aug. 18, 2026, the U.S. Circuit Court of Appeals for the Fifth Circuit upheld a Texas federal district court decision postponing the effective date and enforcement of the FDA's graphic cigarette health warnings. The underlying lawsuit regarding these graphic health warnings was brought against the FDA by R.J. Reynolds Tobacco Company, Santa Fe Natural Tobacco Company, ITG Brands, LLC, Liggett Group, LLC and other industry plaintiffs.

The Texas federal district court decision held that the FDA exceeded its authority by requiring 11 specific graphic cigarette health warnings when the Family Smoking Prevention and Tobacco Control Act passed by Congress in 2009 only required 9 such graphic health warnings. Moreover, the Texas federal district court ruled that the manufacturer plaintiffs would likely win on their claim that the FDA overstepped its statutory authority because Congress did not give the agency any authority to require more than 9 health warnings.

The 9 health warnings mandated by Congress on cigarette packages and cigarette advertising included the following:

- WARNING: Cigarettes are addictive.
- WARNING: Tobacco smoke can harm your children.
- WARNING: Cigarettes cause fatal lung disease.
- WARNING: Cigarettes cause cancer.
- WARNING: Cigarettes cause strokes and heart disease.
- WARNING: Smoking during pregnancy can harm your baby.
- WARNING: Smoking can kill you.
- WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.
- WARNING: Quitting smoking now greatly reduces serious risks to your health.

While the FDA argued both at the Texas federal district court level and at the U.S. Court of Appeals level that the law gave the agency the authority to adjust the number, format, type and text of any of the required labels, both courts determined that the Congressional mandate for only 9 warnings was clear and that the agency could not add two more warnings.

The FDA had intended to begin enforcing the graphic cigarette health warnings in December 2025. However, the case will now revert back to the Texas federal district court for additional proceedings, including a claim by the plaintiffs that the FDA did not adhere to the process under the Federal Administrative Procedures Act when the graphic cigarette health warning rule was adopted by the agency. In the meantime, the FDA will not be allowed to implement the graphic cigarette health warnings.

To read the full U.S. Circuit Court of Appeals ruling, [click here](#).