



Court to Rule on Poster-Size Tobacco Apology Displays

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RICHMOND, Va. – Should retailers post apologies from tobacco companies alongside tobacco products? That’s what U.S. District Judge Gladys Kessler will decide — and convenience stores, among other retailers, are not happy about it, Fox News and the Associated Press reports.

The ruling is part of the 1999 case brought by the government against the tobacco companies. A more recent judicial decision related to that case has ordered a multimedia campaign of mea cuplas from the tobacco companies. At issue is where to display the poster-size apologies, which would take up valuable advertising space in stores.

Also upsetting retailers is the implication of guilt-by-association, considering the retailers sell the very tobacco products for which the companies are apologizing. The statements must include wording about the companies’ lies concerning cigarettes and the health impact of smoking.

The U.S. Department of Justice is working with tobacco firms about the wording and placement of the statements. However, the issue of whether retailers with an “agreement” with tobacco companies to sell their products will be required to carry the apologies has yet to be resolved.

A court of appeals returned the question about whether the First Amendment rights of stores were violated with the decision back to the lower court. With close to 40% of annual sales from tobacco products, U.S. convenience stores that don’t post the signs could stand to lose millions of revenue.

“You can’t take up valuable selling space and impact my bottom line to achieve your goal of having these corrective statements out there,” said Andy Kerstein, an operator of five New Jersey tobacco stores and president of the National Association of Tobacco Outlets.

Retailers also worry that the posters would turn away non-tobacco-buying shoppers. “If you walk in someplace and you all of the sudden don't feel as good as you did a minute earlier, you're going to buy less. And we're not talking about tobacco,” said Jeff Lenard, NACS spokesman. “We're talking about a drink, we're talking about a sandwich.”