

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**  
**Mar 19, 2012**  
LEONARD GREEN, Clerk

Nos. 10-5234; 10-5235

DISCOUNT TOBACCO CITY & LOTTERY, INC.; LORILLARD TOBACCO  
COMPANY; NATIONAL TOBACCO COMPANY, L.P.; R. J. REYNOLDS TOBACCO  
COMPANY; COMMONWEALTH BRANDS, INC.; AMERICAN SNUFF COMPANY,  
LLC, fka Conwood Company, LLC,

Plaintiffs - Appellants/Cross-Appellees,

v.

UNITED STATES OF AMERICA; UNITED STATES FOOD & DRUG  
ADMINISTRATION; MARGARET HAMBURG, Commissioner of the United States  
Food and Drug Administration; KATHLEEN SEBELIUS, Secretary of the United States  
Department of Health and Human Services,

Defendants - Appellees/Cross-Appellants.

Before: CLAY and STRANCH, Circuit Judges; BARRETT, District Judge.

**JUDGMENT**On Appeal from the United States District Court  
for the Western District of Kentucky at Bowling Green.THIS CAUSE was heard on the record from the district court and was argued by  
counsel.IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district  
court is REVERSED IN PART and AFFIRMED IN PART.**ENTERED BY ORDER OF THE COURT**

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Leonard Green, Clerk