

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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AMERICAN ACADEMY OF PEDIATRICS, )  
 MASSACHUSETTS CHAPTER OF AMERICAN )  
 ACADEMY OF PEDIATRICS, INC., )  
 AMERICAN CANCER SOCIETY, INC., )  
 AMERICAN CANCER SOCIETY ACTION )  
 NETWORK, INC., AMERICAN HEART )  
 ASSOCIATION, INC., AMERICAN LUNG )  
 ASSOCIATION, CAMPAIGN FOR TOBACCO- )  
 FREE KIDS, TRUTH INITIATIVE )  
 FOUNDATION, D/B/A TRUTH INITIATIVE, )  
 DR. TED KREMER, DR. JONATHAN )  
 WINICKOFF, and DR. LYNDA YOUNG, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 UNITED STATES FOOD AND DRUG )  
 ADMINISTRATION, )  
 )  
 Defendant. )

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Civil Action No. 1:16-cv-11985-IT

**FINAL JUDGMENT**

February 14, 2020

**TALWANI, D.J.**

In accordance with the court’s Memorandum and Order [#50] and Order [#56], judgment is entered in favor of the Plaintiffs on their claim that Defendant United States Food and Drug Administration (“FDA”) “unlawfully withheld” and “unreasonably delayed” promulgating a final rule mandating color graphic warnings on cigarette packs and in cigarette advertisements as required by the Family Smoking Prevention and Tobacco Control Act of 2009, Pub. L. No. 111-31, § 201, 123 Stat. 1776, 1845 (2009). FDA is ordered to submit its final rule mandating color

graphic warnings on cigarette packs and in cigarette advertisements for publication in the Federal Register by March 15, 2020.

The court shall retain jurisdiction as to enforcement of this judgment and any motion for attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(b).

IT IS SO ORDERED.

Date: February 14, 2020

/s/ Andrew Tolson  
United States District Judge