

## Tobacco companies drop judicial review proceedings over display ban

25 January 2012 | By [Katy Dowell](#)

Four leading tobacco manufacturers have dropped their judicial review bid against the Government's plan to introduce a display ban on tobacco products.

The manufacturers had jointly instructed lawyers from Ashurst, Clifford Chance, Freshfields Bruckhaus Deringer and Hogan Lovells to lead the claim.

The case was originally planned for April 2011 ([3 January 2011](#)), but has twice been rescheduled following the Government's decision to amend the legislation.

The Secretary of State for Health and the Attorney General instructed Monckton Chambers' Nicholas Paines QC to lead the defence of the judicial review bid.

Paines lined up against heavyweight counsel from Blackstone Chambers - David Pannick QC, instructed by Hogan Lovells for British American Tobacco, and Dinah Rose QC, instructed by Ashurst for Imperial Tobacco - as well as Brick Court's Richard Gordon QC and Jemima Stratford QC for Philip Morris, and David Anderson QC of the same set for Gallaher

The ban is expected to come into force in April in England, with Wales, Scotland and Northern Ireland following suit.

Last summer, in a parallel case, the Court of Appeal <http://www.monckton.com/docs/general/SINCLAIRCOLLIS.pdf> endorsed Government plans to prohibit cigarette vending machines. In the case, which had a similar legal line-up, the panel led by the Master of the Rolls Lord Neuberger outlined the principles of proportionality and the margin of discretion applied in a public health context.

Philip Morris, the manufacturer of Marlboro cigarettes, had also attempted to have the ban reversed in Norway and took the Norwegian government to the European Free Trade Association over the decision. The bid was rejected in September ([12 September 2011](#)).

The UK Government had intervened in that case in support of Norway.

Claimant lawyers:

Hogan Lovells partner Paul Dacam instructed Blackstone Chambers' David Pannick QC to lead Tom De La Mare for British American Tobacco.

Ashurst partner Ed Sparrow instructed Blackstone Chambers' Dinah Rose QC to lead Brian Kennelly of the same set for Imperial Tobacco.

Clifford Chance partner Luke Tolaini instructed Brick Court's Richard Gordon QC & Jemima Stratford QC for Philip Morris.

Freshfields partner William Robinson and Tom Snelling instructed Brick Court's David Anderson QC to lead Sarah Love, also of Brick Court, for Gallaher Ltd.

Defendant lawyers:

Monckton Chambers' Nicholas Paines QC, Ian Rogers & Owain Draper instructed to act for the Department for Work and Pensions.

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