

September 5, 2002

Common Council, City of Milwaukee
City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

Re: Section 244-20, MCO, Advertisement of Tobacco Products

Dear Council Members:

On June 28, 2001, the United States Supreme Court rendered its decision in *Lorillard v. Reilly*, 121 S. Ct. 2404 (2001). The Court ruled that federal law preempted Massachusetts' regulation with respect to the advertising or promotion of cigarettes. As a result of the court's decision, it is our opinion that the City's prohibition of advertising of tobacco products is not enforceable.

Therefore, it is our recommendation that sec. 244-20 MCO, be repealed.

Very truly yours,

GRANT F. LANGLEY
City Attorney

DAVID J. STANOSZ
Assistant City Attorney

Cc: Mr. Ronald Leonhardt
Mr. Martin Collins
Dr. Seth Foldy
1049-2002-2039/57015