



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

June 24, 2024

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Logic Technology Development, LLC v. FDA, No. 23-1125

Dear Mr. Harris:

The above-captioned case presents the questions whether the Food and Drug Administration (FDA) acted arbitrarily and capriciously in evaluating applications for authorization to market flavored e-cigarette products in general, or in denying petitioner's applications to market menthol-flavored e-cigarette products in particular. In the petition for a writ of certiorari, petitioner claimed that FDA has adopted a "blanket" policy of rejecting applications for authorization to market menthol-flavored products. Pet. 5; see Pet. 32 ("de facto ban on menthol-flavored [products]"); Pet. 33 ("effective ban on the menthol [e-cigarette] category").

This letter is to inform the Court that, on June 21, 2024, FDA granted applications to market four menthol-flavored e-cigarette products. See Press Release, FDA, *FDA Authorizes Marketing of Four Menthol-Flavored E-Cigarette Products After Extensive Scientific Review* (June 21, 2024), <https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-four-menthol-flavored-e-cigarette-products-after-extensive-scientific>.

We would appreciate your circulating this letter to the Members of the Court.

Sincerely,

Elizabeth B. Prelogar
Solicitor General

cc: See Attached Service List

23-1125

LOGIC TECHNOLOGY DEVELOPMENT LLC (W)
FOOD AND DRUG ADMINISTRATION

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