No. 24-189

# In the Supreme Court of the United States

R.J. REYNOLDS TOBACCO COMPANY, ET AL.
PETITIONERS

*v.*

FOOD AND DRUG ADMINISTRATION, ET AL.,
RESPONDENTS

*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT*

**BRIEF FOR ALTRIA GROUP, INC., AS AMICUS CURIAE SUPPORTING PETITIONERS**

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## INTEREST OF *AMICUS CURIAE* [*]

Altria Group, Inc. owns a family of companies including Philip Morris USA Inc., America's leading cigarette manufacturer. Altria remains committed to ensuring adult consumers receive accurate, non-misleading health information about tobacco product risks. Philip Morris USA's cigarette packaging and advertising have long displayed the Surgeon General's text-only warnings regarding smoking-related health risks, which have informed consumers about common health consequences of smoking.

FDA's Rule, however, compels manufacturers to disparage their own products with large, inflammatory, misleading graphic warnings. Altria thus has a significant interest in this case.

## SUMMARY OF ARGUMENT

Among the First Amendment's most fundamental protections is that the government ordinarily cannot compel private speakers to engage in speech against their will absent compelling governmental interests. In *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626 (1985), this Court recognized a limited exception to that rule, allowing lesser First Amendment scrutiny only if the government requires "purely factual and uncontroversial" speech that is not "unjustified or unduly burdensome." *Id.* at 651.

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[*] Pursuant to Rule 37.6, *amicus* affirms that no counsel for a party authored this brief in whole or in part and that no person other than *amicus* or their counsel have made any monetary contributions intended to fund the preparation or submission of this brief. Pursuant to Rule 37.2, counsel of record have received timely notice of *amicus*'s intent to file this brief.

As this Court recently confirmed, that exception is narrow, and obviously does not apply when the government compels speech that might mislead the public. *See Nat'l Inst. of Fam. & Life Advocs. v. Becerra (NIFLA)*, 585 U.S. 755, 768-69 (2018); *accord Borgner v. Fla. Bd. of Dentistry*, 537 U.S. 1080, 1082 (2002) (Thomas, J., dissenting from denial of certiorari). The government cannot invoke *Zauderer* to compel speech regarding highly controversial topics (like abortion). *NIFLA*, 585 U.S. at 768-69. Nor can the size and format of government-compelled disclosures "drown[] out" speakers' messages. *Id.* at 778. And this Court has never endorsed a free-ranging governmental interest in informing the public as grounds for upholding a compelled-speech mandate.

Taking their cues from this Court, the Ninth and D.C. Circuits thus hold that speech that could mislead the public is neither purely factual nor uncontroversial under *Zauderer*. *See Nat'l Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263, 1280-81 (9th Cir. 2023); *CTIA – The Wireless Ass'n v. City of Berkeley*, 928 F.3d 832, 847 (9th Cir. 2019); *R.J. Reynolds Tobacco Co. v. FDA*, 696 F.3d 1205, 1213-17 (D.C. Cir. 2012). Indeed, the D.C. Circuit held that heightened First Amendment scrutiny—not *Zauderer*—applied to the FDA's previous, materially similar graphic-warnings rule because the warnings intentionally provoked emotional reactions, could mislead consumers, and were not aimed at combatting consumer deception. *R.J. Reynolds*, 696 F.3d at 1213-17. And the D.C. Circuit ultimately deemed that rule unconstitutional. *Id.* at 1222. The Seventh and Ninth Circuits have independently held that even government-compelled warnings that occupied some 10% of product packaging and 20% of advertisements, respectively, were unduly burdensome. *Ent. Software Ass'n v. Blagojevich*, 469 F.3d 641, 652 & n.13 (7th Cir. 2006); *Am. Beverage Ass'n v. City & County of San*

*Francisco*, 916 F.3d 749, 753-54, 757 (9th Cir. 2019) (en banc).

The Fifth Circuit's decision below parts ways with this consensus and deprives residents of Texas, Louisiana, and Mississippi of the full-strength First Amendment protections against government-compelled speech that apply everywhere else. The Fifth Circuit held that lesser *Zauderer* review governed FDA's attempt to force manufacturers to emblazon cigarette packaging and advertisements with large graphic warnings that are misleading, exaggerated, and emotion-inducing. The Fifth Circuit reasoned that the government could commandeer 50% of products' packaging and 20% of advertisements—or even more—so long as courts believe that manufacturers still have some room to speak. Pet.App. 44a-45a. What is more, the Fifth Circuit also "reject[ed] the construction … that, to be factual, the information must be true." Pet.App. 27a & n.47. The result: in the Fifth Circuit, there is no First Amendment bar preventing governments from forcing manufacturers to blanket their own products with "startling," "gross[]," and "powerfully disturbing" images, C.A. ROA.1409-1411—grotesque amputated toes, bloody extracted lungs, and men shamed by erectile dysfunction are all fair game.

Left undisturbed, the Fifth Circuit's approach risks emboldening federal, state, and local governments to compel vast swaths of speech. The government could transform company press statements, advertisements, packaging, and corporate disclosures into ad hoc government billboards. Any products or topics could be next. EPA could compel gas stations to emblazon pumps with glassy-eyed, extinct polar bears morosely warning consumers that their car contributes to global warming. States might require clinics dispensing COVID vaccines to display

large posters of dead teenage boys felled by heart inflammation, or deceased grandparents felled by the non-vaccination of their in-laws, depending on the state.

FDA's approach is all the more dangerous because its asserted justification—to enhance consumer information—is entirely circular. Worse, FDA has just refuted that interest entirely, by announcing that FDA will allow some manufacturers (such as R.J. Reynolds Tobacco Co.) to implement the warnings many months after the rest of the industry (including Philip Morris, which Altria owns) must do so starting December 12, 2025. *Compare* Enforcement Policy for Required Warnings for Cigarette Packages and Advertisements: Guidance for Industry 3 (Sept. 12, 2024), https://tinyurl.com/yc4f6kkc, *with* Defendants' Status Report at 2-3, *R.J. Reynolds Tobacco Co. v. FDA*, No. 20-cv-00176 (E.D. Tex. June 21, 2024), ECF No. 115 (giving R.J. Reynolds and other petitioners longer compliance period based on pendency of this petition).

Those disparate compliance periods make a mockery of FDA's asserted interest in educating consumers. R.J. Reynolds' cigarettes would come in normal packages without any new warnings. Philip Morris USA's and other manufacturers' cigarettes would come in packages bearing unconstitutional graphic warnings. This head-scratching pattern would repeat for advertisements, where R.J. Reynolds' advertisements would bear only text warnings, whereas other manufacturers would have to obscure comparable advertisements with large FDA-mandated graphic warnings. FDA's rule considers all these products on equal footing—yet FDA is arbitrarily creating a marketplace where consumers will be confused and perplexed as to why only some cigarette packages and advertisements bear enormous new, graphic warnings

but others do not. Concerningly, that state of play would mislead many consumers into assuming that cigarette brands without graphic warnings were in some way better or safer.

This Court's intervention is urgently needed to restore uniformity in this critically important area of law and stop further governmental experimentation with compelled speech in its tracks.

## ARGUMENT

### I. The Decision Below Contravenes This Court's Limitations on *Zauderer* and the Consensus Across Numerous Circuits

The First Amendment stands as a bulwark against governmental attempts to compel citizens to become unwilling mouthpieces for government speech. *303 Creative LLC v. Elenis*, 600 U.S. 570, 586-87 (2023). The government can compel speech without facing heightened scrutiny only if (1) the speech involves "purely factual and uncontroversial information" and (2) the disclosures are not "unjustified or unduly burdensome." *Zauderer v. Office of Disciplinary Couns.*, 471 U.S. 626, 651 (1985). This narrow exception applies only to "purely factual and uncontroversial information about the terms under which … services will be available." *Nat'l Inst. of Fam. & Life Advocs. v. Becerra (NIFLA)*, 585 U.S. 755, 768-69 (2018) (citation omitted). Yet the Fifth Circuit opinion risks transforming *Zauderer*'s narrow exception for factual, low-burden disclosures into a Trojan horse for governments to smuggle misleading, inflammatory, and onerous compelled-speech mandates past First Amendment barricades.

Start with the limitation that *Zauderer* only applies to disclosures of "purely factual and uncontroversial" information. Misleading speech is the quintessential no-go for

compelled speech since the government can hardly claim an interest in misleading the public. *See id.* at 768-69. The D.C. Circuit thus found FDA-mandated graphic warnings to not be "purely factual" because the warnings "could be misinterpreted by consumers." *R.J. Reynolds*, 696 F.3d at 1216. Similarly, the Ninth Circuit refused to apply *Zauderer* review to compelled warnings that were "factually misleading" based on how a "reasonable person … would understand" them. *Nat'l Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263, 1281 (9th Cir. 2023). In that circuit, even "literally true" statements may "nonetheless [be] misleading" and thus not purely factual. *CTIA – The Wireless Ass'n v. City of Berkeley*, 928 F.3d 832, 847 (9th Cir. 2019); Pet. 20-21.

Yet the Fifth Circuit "reject[ed] the construction … that, to be factual, the information must be true." Pet.App. 27a & n.47. Misleading speech would be "purely factual" if the government compels "information *supported* by facts" or "conclusions *driven* by those facts." Pet.App. 27a (emphasis added). "[E]ven … exaggerated or non-modal" conclusions—if supported by some "scientific findings"—would qualify. Pet.App. 28a. Compelled statements that are largely but not "overwhelmingly disproven" are apparently fine. Pet.App. 32a. Nor need the government worry about additional meanings consumers might take from incendiary accompanying images: per the Fifth Circuit, images "make[] no difference to the constitutional analysis of factuality." Pet.App. 28a. To state the obvious, if "purely factual" information means "not 100% universally recognized as false" information, then *Zauderer* review could swallow almost anything.

Next take this Court's requirement of "uncontroversial" speech, which excludes entire topics (like abortion) that inherently provoke heated debate. *See NIFLA*,

585 U.S. at 769. The D.C. Circuit accordingly defines "uncontroversial" speech as "indisputably accurate and not subject to misinterpretation"—not speech "primarily intended to evoke an emotional response." *R.J. Reynolds*, 696 F.3d at 1216; *see also* Pet. 15.

But in the decision below, the Fifth Circuit opened the floodgates to applying lesser *Zauderer* review to just this sort of speech, for which it is the worst fit. The Fifth Circuit would apply lesser *Zauderer* review even to government-compelled "emotion-inducing and ideological" speech, barring statements that are "overwhelmingly disproven" though carving out at least a stated proviso for speech that is "an inherent part of a national political debate." Pet.App. 33a. But if the speech at issue here does not qualify as "an inherent part of a national political debate," it is anyone's guess what speech besides abortion would. Warnings and restrictions for tobacco products have long provoked polarized political views and continue to do so today. *E.g.*, Brenda Goodman, *Critics Charge Political Concerns Have Led Biden Administration to Delay Long-Awaited Ban on Menthol Cigarettes*, CNN (Dec. 6, 2023), https://tinyurl.com/39npd693. Indeed, FDA's issuance of this very rule came after national political campaigns and lawsuits by groups to pressure FDA to act faster.[1] Yet even this speech struck the Fifth Circuit as insufficiently "part of a national political debate" to warrant heightened First Amendment scrutiny.

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[1] *See Am. Acad. of Pediatrics v. FDA*, 2019 WL 1047149, at *1-3 (D. Mass. Mar. 5, 2019); Tripp Mickle, *Antitobacco Groups Sue FDA to Require Graphic Warning Labels on Cigarette Packs*, Wall St. J. (Oct. 4, 2016), https://tinyurl.com/v5yv6xw3; Matthew L. Myers, Press Release, *Government's Decision Not to Appeal Cigarette Warning Ruling Is Disappointing; FDA Should Quickly Develop*

Other guardrails preventing *Zauderer* review from immunizing too much compelled speech include that government-compelled disclosures cannot be "unduly burdensome" or "unjustified," *i.e.*, that they may not "drown[] out the [speaker's] own message." *NIFLA*, 585 U.S. at 777-78. This Court considered a 29-word "government-drafted statement" unduly burdensome because the government's statement "call[ed] attention to the [government's] notice, instead of [the speaker's] own message." *Id.* at 778. Similarly, the Ninth Circuit deemed a government-drafted warning that occupied 20% of "advertisement[s]" for sugar-sweetened beverages unduly burdensome. *Am. Beverage Ass'n v. City & County of San Francisco*, 916 F.3d 749, 753-54, 757 (9th Cir. 2019) (en banc). And the Seventh Circuit found a mandated four-inch square sticker occupying slightly under 10% of a video game box was "unjustified" under heightened scrutiny given there was no evidence smaller warnings would have sufficed. *Ent. Software Ass'n v. Blagojevich*, 469 F.3d 641, 652 & n.13 (7th Cir. 2006); *see also* Pet. 29-31.

Yet, here again, the Fifth Circuit's decision below explodes the limits on applying lesser *Zauderer* review to compelled speech. The Fifth Circuit greenlit warning labels covering 50% of product packaging and 20% of advertisements by summarily deeming the remaining space sufficient for manufacturers' own speech. Pet.App. 44a-45a.[2] In no other context would courts consider government commandeering of 50% of someone else's property

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*New Set of Graphic Warnings*, Campaign for Tobacco-Free Kids (Mar. 19, 2013), https://tinyurl.com/2z5ex3ck.

[2] The Fifth Circuit's reliance on *Discount Tobacco City & Lottery v. United States*, 674 F.3d 509 (6th Cir. 2012), offers no support, because

or speech unproblematic because some remaining space remains free.

Finally, the Fifth Circuit's approach puts an improper thumb on the speech-restricting scale by vastly expanding what counts as a legitimate governmental interest. This Court has only applied *Zauderer* scrutiny where compelled disclosures are "reasonably related to … preventing deception of consumers," 471 U.S. at 651, *e.g.*, to combat "inherently misleading advertisements." *Milavetz, Gallop & Milavetz, P.A. v. United States*, 559 U.S. 229, 250 (2010). Indeed, *Zauderer* arguably applies only to "false or misleading advertisements" that are "inherently likely to deceive or where the record indicates that a particular form or method of advertising has in fact been deceptive." *Id.* at 257 (Thomas, J., concurring in part, concurring in judgment) (cleaned up).

Yet, the Fifth Circuit went far "outside the consumer-deception context" and counts "*any* legitimate … interest" in mandating that businesses provide information. Pet.App. 35a, 37a. That circular interest would be too easily satisfied, since the government can always say that consumers have an interest in being better-informed. And this "interest" is an odd companion to a rule permitting *misleading* disclosures. *Am. Meat Inst. v. U.S. Dep't of Agric.*, 760 F.3d 18, 31 (D.C. Cir. 2014) (en banc) (Kavanaugh, J., concurring in the judgment). This case illustrates the problem. The government aimed to inform consumers of "less-known health consequences of smoking." Required Warnings for Cigarette Packages and Advertisements, 85 Fed. Reg. 15,638, 15,653 (Mar. 18, 2020).

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*NIFLA* abrogated the Sixth Circuit's approach, which did not separately require the government to show that disclosures were not unduly burdensome. *Id.* at 554, 566-67; Pet. 38-39.

But consumers already universally appreciated several of those risks, raising questions about what marginal increase in consumer awareness (if any) should suffice and how to gauge it. *E.g.*, C.A. ROA.4196, 4204, 4209; *see also* Pet. 31-32, 40-41.

## II. The Decision Below Creates a Stark Split with the D.C. Circuit Over Materially Similar FDA Graphic Warnings

Further underscoring the need for review, the D.C. Circuit's contrary approach to the FDA's similar, earlier graphic-warnings regime confirms that FDA's rule could not pass First Amendment muster elsewhere.

The D.C. Circuit held that warnings depicting diseased lungs, crying infants, and gruesome chest scars violated the First Amendment because the "inflammatory images" "certainly do not impart purely factual … [and] uncontroversial information to consumers." *R.J. Reynolds*, 696 F.3d at 1216-17. The Fifth Circuit instead held that similar FDA-mandated warnings depicting diseased lungs, crying infants, and gruesome chest scars present no First Amendment problem because the warnings contained "information supported by facts and … conclusions driven by those facts" which the Fifth Circuit concluded were "not akin to unfalsifiable statements of opinion." Pet.App. 27a. That plain-as-day conflict should not be allowed to stand, least of all when the legality of nationwide rules compelling manufacturers to fundamentally transform the design and packaging of their products hangs in the balance.

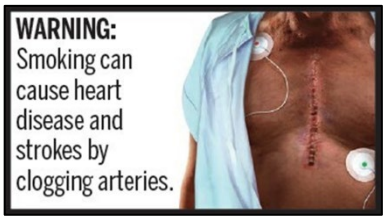
When analyzing an earlier iteration of FDA's graphic warnings, the D.C. Circuit correctly recognized that "purely factual" information does not just exclude gross falsehoods. While "none of the[] images" at issue were "patently false, they certainly d[id] not impart purely fac-

tual, accurate, or uncontroversial information to consumers"—so they "f[e]ll outside the ambit of *Zauderer*." *R.J. Reynolds*, 696 F.3d at 1217. Compelled speech that "could be misinterpreted" is not "purely factual." *Id.* at 1216. Yet the Fifth Circuit held the opposite: "exaggerated or non-modal" conclusions and statements that are not "overwhelmingly disproven" can count as "purely factual and uncontroversial." Pet.App. 28a, 32a-33a.

Likewise, the D.C. Circuit held "uncontroversial" speech must be "indisputably accurate and not subject to misinterpretation"; speech "primarily intended to evoke an emotional response" did not qualify. *R.J. Reynolds*, 696 F.3d at 1216. Accordingly, the D.C. Circuit held that the previous FDA warnings fell outside *Zauderer* because they "shock[ed] the viewer into retaining the information in the text warning." *Id.* By contrast, the Fifth Circuit sweepingly stated: "ideological baggage has no relevance." Pet.App. 30a. Nor does "the emotional impact" of images or statements matter as the reaction was "incidental to [the viewers'] retention of information." Pet.App. 30a-31a.

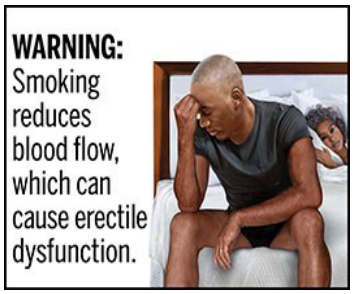
Those legal differences matter immensely for FDA's chances when defending the actual warnings. Applying the correct framework, the D.C. Circuit deemed FDA's earlier warnings non-factual, ideological, and potentially misleading to consumers. In particular, the D.C. Circuit held that the images themselves could not be within the ambit of *Zauderer* because they "do not convey *any* warning information at all, much less an 'accurate statement' about cigarettes." *R.J. Reynolds*, 696 F.3d at 1216. The key was that "they certainly [did] not impart purely factual, accurate, or uncontroversial information." *Id.* at

1217. Instead, the "inflammatory images" were "unabashed attempts to evoke emotion." *Id.* at 1216-17. The same is true for warnings the Fifth Circuit allowed:

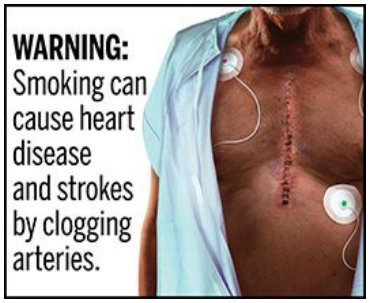
| Barred by D.C. Circuit | Allowed by Fifth Circuit |
|---|---|
|  |  |
|  |  |
|  |  |

Moreover, the D.C. Circuit correctly recognizes that potentially misleading speech serves no governmental interest and cannot justify subjecting compelled speech to lesser scrutiny. *R.J. Reynolds*, 696 F.3d at 1215-16. But, by overlooking copious record evidence that FDA knew its own study participants considered various warnings misleading and emotionally disturbing, the Fifth Circuit's approach risks minimizing the government's First

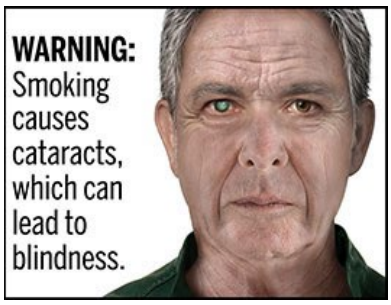
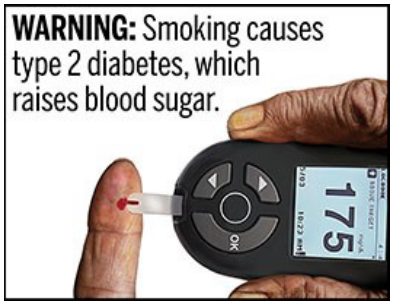
Amendment burden further. *See* Pet. 40-41. For example:

| **Misleading** |
| --- |
|  <br>• FDA's study showed that some participants thought the image depicts a healthy lung; others an unhealthy one. Participants were confused whether the lungs "had just been removed" or were going into "someone's body." C.A. ROA.4393. |
|  <br>• FDA study participants agreed "it was difficult to know what the image …depict[ed]." C.A. ROA.1443.<br>• FDA's study revealed some consumers might think the company believes erectile dysfunction is shameful; others might conclude that it leads to "depression" or "a strained relationship." C.A. ROA.1443. |

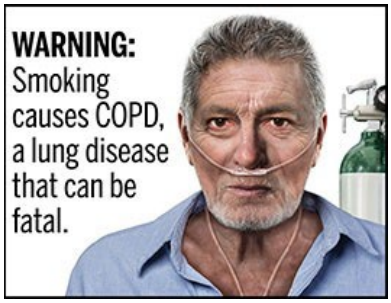
**Misleading**




- The district court concluded that "[c]onsumers may reasonably interpret the image … as indicating that open-heart surgery, whose scars are shown, is the most common treatment for heart disease"—an inaccurate takeaway. C.A. ROA.10206-10207.
- FDA's study of an earlier, similar image confirmed confusion: The image struck participants as "unclear"; "[s]ome thought the subject might have lung cancer, while others thought the subject needed heart surgery." C.A. ROA.1403.

| **Misleading** |
| --- |
|  <br>• The district court explained that some viewers might understand the graphic to depict what someone with cataracts looks like, while others might take it as an illustration of blindness. C.A. ROA.10207. Others "may reasonably interpret the image as depicting the most common result of cataracts"—which is false. C.A. ROA.10207. |
|  <br>• FDA study participants found an earlier, similar version of the image "confusing," with one noting that the image depicts "[u]nhealthiness," but "I have no idea why" or "how." C.A. ROA.4295. |

| Emotionally Provocative |
| --- |
|  <br>• FDA study participants described a similar, earlier image as "heartbreaking" and "sadden[ing]"; one said it "would really creep me out." C.A. ROA.1306.<br>• FDA's study recommended keeping this image because "[p]articipants clearly demonstrated an emotional connection to the image." C.A. ROA.1421. |
|  <br>• FDA's final study reported "[t]he idea of losing limbs scares some participants." C.A. ROA.1441.<br>• FDA study participants called a similar earlier image "startling," "gross[]," "powerfully disturbing," and said it had "shock value." C.A. ROA.1409-1411.<br>• One participant said an earlier, similar image was "nasty" and "disgusting": "I just want to gag…. Really, it's repulsive so I don't want to see it anymore." C.A. ROA.5437. |

| **Emotionally Provocative** |
| --- |
|  <br>• FDA's study with a similar, earlier image, reported the "sadness … in the subject's eyes and the oxygen mask grabbed participants' attention"; participants described the image as "scary," "cruel[]," and provoking "despair." C.A. ROA.1302.<br>• FDA altered the graphic to make the child look sicker and "[m]aintain the look of dismay (e.g., sadness in the eyes)." C.A. ROA.1417. |
|  <br>• Participants reported that an earlier, similar image was "especially attention-grabbing" because of "the man's miserable expression and external oxygen aids." C.A. ROA.1399. As one put it, it "makes you [feel] uncomfortable." C.A. ROA.4210. |

Ordinarily, pictures are worth a thousand words, not zero. If adding images does not change the First Amendment calculus, Pet.App. 28a-31a, the sky would be the limit for the government to couple factual, quasi-factual,

or not 100% obviously false statements with shocking and offensive images. The D.C. Circuit unambiguously recognized that images can make accompanying text more misleading, controversial, and offensive to the First Amendment. Yet courts within the Fifth Circuit might never consider whether images change the message viewers obtain. That stark divide cries out for this Court's intervention.

### III. The Fifth Circuit's Approach Risks Dismantling First Amendment Protections Against Compelled Speech

The Fifth Circuit's approach also risks inviting federal, state, and local governments to try their hand at using compelled speech to sway public opinion across myriad contexts. *See* Pet. 41-43. For instance, governments could force:

- Distributors of certain meats, vegetables, etc. to include warning labels that those products increase one's cancer risk, while misleadingly omitting that countless products involve similar cancer risks. *But see Wheat Growers*, 85 F.4th at 1276-81 (refusing to apply *Zauderer* to such labels).
- All foreign-made pet food to warn in giant, bolded font: **NOT MADE IN AMERICA PURSUANT TO FEDERAL SAFETY STANDARDS**, alongside graphics of dog cemeteries and poisoned cats.
- Flight attendants to announce before takeoff whether the plane manufacturer has a history of safety problems, while passengers watch a video showing passengers panicking during a crash.
- Electric-car manufacturers to provide brochures to potential customers about the risks the cars will explode with images of third-degree burn injuries.

- Restaurants to display large signs in front of straw dispensers stating plastic straws harm the environment next to a picture of a decaying fish carcass overflowing with plastic.
- Rideshare companies to require drivers to attach large decals to their car doors warning that drivers may be dangerous next to an ominous mugshot.
- Non-union manufacturers to label their products with a warning stating "MADE WITH NON-UNION LABOR" next to images of picket lines.
- Universities to publish brochures warning of the dangers of student loans with pictures of empty wallets.
- Video game developers to warn that playing the game may lead to increased real-world violence beside pictures of mass shootings.
- Casinos to warn all slot machine players that the odds are in the casino's favor and long-term play may lead to bankruptcy or alcoholism with a person in an emergency room.

Under the Fifth Circuit's approach, those hypotheticals are only the tip of the iceberg. Governments would have every incentive to commandeer as much speech as possible and force a wide array of private speakers to become mouthpieces for government viewpoints. This Court should intervene now to correct the course, resolve the sharp conflict among the circuits, and preserve core First Amendment protections against government-compelled speech.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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