

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5220

September Term, 2024

1:16-cv-01460-APM

Filed On: March 26, 2025

Cigar Association of America, et al.,

Appellees

v.

United States Food and Drug Administration,  
et al.,

Appellants

**BEFORE:** Millett and Pan, Circuit Judges; and Randolph, Senior Circuit Judge

**ORDER**

Upon consideration of appellees' petition for panel rehearing filed March 10, 2025,  
it is

**ORDERED** that the petition be granted in part. It is

**FURTHER ORDERED** that the opinion issued January 24, 2025, be amended as  
follows:

(1) Slip Op., p. 15, ¶ 2, line 4: Delete: "Accordingly, we reverse and remand" and

Insert in lieu thereof: "Accordingly, we affirm in part, reverse in part, and remand"

(2) Slip Op., p. 15, ¶ 2, line 13: Delete: "So ordered." and

Insert in lieu thereof: "Affirmed in part, reversed in part, and remanded."

The Clerk is directed to issue the amended opinion and to amend the judgment  
issued January 24, 2025.

**Per Curiam**

**FOR THE COURT:**

Clifton B. Cislak, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk