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### **FEDERAL PRE-EMPTION AND GENERIC DRUG LABELING**

On February 2, 2011, the Los Angeles Daily Journal published an article by Brian Kabateck and Payvand Abghari entitled, "Federal Pre-Emption and Generic Drug Labeling." The article notes that manufacturers have argued that federal law preempts state failure-to-warn claims where the Food and Drug Administration has granted prior approval of a drug's label. It adds that *Wyeth v. Levine*, a landmark pharmaceutical decision, the U.S. Supreme Court seemingly clarified these duties once and for all.

"While a generic manufacturer's current duties to warn are riddled with uncertainty, the field of pharmaceutical litigation is due for dramatic changes in the coming year," Kabateck and Abghari write. "Consumers, public officials, manufacturers and class action attorneys alike will need to pay close attention to the Court's upcoming ruling on the matter."