Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

POM WONDERFUL LLC *v.* COCA-COLA CO.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 12–761. Argued April 21, 2014—Decided June 12, 2014

This case involves the intersection of two federal statutes. The Lanham Act permits one competitor to sue another for unfair competition arising from false or misleading product descriptions. 15 U. S. C. §1125. The Federal Food, Drug, and Cosmetic Act (FDCA) prohibits the misbranding of food and drink. 21 U. S. C. §§321(f), 331. To implement the FDCA's provisions, the Food and Drug Administration (FDA) has promulgated regulations regarding food and beverage labeling, including one concerning juice blends. Unlike the Lanham Act, which, relies in large part for its enforcement on private suits brought by injured competitors, the FDCA and its regulations give the United States nearly exclusive enforcement authority and do not permit private enforcement suits. The FDCA also pre-empts certain state misbranding laws.

Petitioner POM Wonderful LLC, which produces, markets, and sells, *inter alia,* a pomegranate-blueberry juice blend, filed a Lanham Act suit against respondent Coca-Cola Company, alleging that the name, label, marketing, and advertising of one of Coca-Cola's juice blends mislead consumers into believing the product consists predominantly of pomegranate and blueberry juice when it in fact consists predominantly of less expensive apple and grape juices, and that the ensuing confusion causes POM to lose sales. The District Court granted partial summary judgment to Coca-Cola, ruling that the FDCA and its regulations preclude Lanham Act challenges to the name and label of Coca-Cola's juice blend. The Ninth Circuit affirmed in relevant part.

Held: Competitors may bring Lanham Act claims like POM's challenging food and beverage labels regulated by the FDCA. Pp. 7–17.

(a) This result is based on the following premises. First, this is not

a pre-emption case, for it does not raise the question whether state law is pre-empted by a federal law, see *Wyeth* v. *Levine*, 555 U. S. 555, 563, but instead concerns the alleged preclusion of a cause of action under one federal statute by the provisions of another federal statute. Pre-emption principles may nonetheless be instructive insofar as they are designed to assess the interaction of laws bearing on the same subject. Second, this is a statutory interpretation case; and analysis of the statutory text, aided by established interpretation rules, controls. See *Chickasaw Nation* v. *United States*, 534 U. S. 84, 94. While a principle of interpretation may be countered "by some maxim pointing in a different direction," *Circuit City Stores, Inc.* v. *Adams*, 532 U. S. 105, 115, this Court need not decide what maxim establishes the proper framework here: Even assuming that Coca-Cola is correct that the Court's task is to reconcile or harmonize the statutes instead of to determine whether one statute is an implied repeal in part of another statute, Coca-Cola is incorrect that the best way to do that is to bar POM's Lanham Act claim. Pp. 7–9.

(b) Neither the Lanham Act nor the FDCA, in express terms, forbids or limits Lanham Act claims challenging labels that are regulated by the FDCA. The absence of such a textual provision when the Lanham Act and the FDCA have coexisted for over 70 years is "powerful evidence that Congress did not intend FDA oversight to be the exclusive means" of ensuring proper food and beverage labeling. See *Wyeth*, *supra,* at 575. In addition, and contrary to Coca-Cola's argument, Congress, by taking care to pre-empt only some state laws, if anything indicated it did not intend the FDCA to preclude requirements arising from other sources. See *Setser* v. *United States*, 566 U. S. ___, ___. The structures of the FDCA and the Lanham Act reinforce this conclusion. Where two statutes are complementary, it would show disregard for the congressional design to hold that Congress intended one federal statute nonetheless to preclude the operation of the other. See *J. E. M. Ag Supply, Inc.* v. *Pioneer Hi-Bred Int'l, Inc.*, 534 U. S. 124, 144. The Lanham Act and the FDCA complement each other in major respects, for each has its own scope and purpose. Both touch on food and beverage labeling, but the Lanham Act protects commercial interests against unfair competition, while the FDCA protects public health and safety. They also complement each other with respect to remedies. The FDCA's enforcement is largely committed to the FDA, while the Lanham Act empowers private parties to sue competitors to protect their interests on a case-by-case basis. Allowing Lanham Act suits takes advantage of synergies among multiple methods of regulation. A holding that the FDCA precludes Lanham Act claims challenging food and beverage labels also could lead to a result that Congress likely did not intend. Be-

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cause the FDA does not necessarily pursue enforcement measures regarding all objectionable labels, preclusion of Lanham Act claims could leave commercial interests—and indirectly the public at large—with less effective protection in the food and beverage labeling realm than in other less regulated industries. Pp. 9–12.

(c) Coca-Cola's arguments do not support its claim that preclusion is proper because Congress intended national uniformity in food and beverage labeling. First, the FDCA's delegation of enforcement authority to the Federal Government does not indicate that Congress intended to foreclose private enforcement of other federal statutes. Second, the FDCA's express pre-emption provision applies by its terms to state, not federal, law. Even if it were proper to stray from that text, it not clear that Coca-Cola's national uniformity assertions reflect the congressional design. Finally, the FDCA and its implementing regulations may address food and beverage labeling with more specificity than the Lanham Act, but this specificity would matter only if the two Acts cannot be implemented in full at the same time. Here, neither the statutory structure nor the empirical evidence of which the Court is aware indicates there will be any difficulty in fully enforcing each statute according to its terms. Pp. 13–15.

(d) The Government's intermediate position—that a Lanham Act claim is precluded "to the extent the FDCA or FDA regulations specifically require or authorize the challenged aspects of [the] label," and that this rule precludes POM's challenge to the name of Coca-Cola's product—is flawed, for the Government assumes that the FDCA and its regulations are a ceiling on the regulation of food and beverage labeling when Congress intended the Lanham Act and the FDCA to complement each other with respect to labeling. Though the FDA's rulemaking alludes at one point to a balance of interests, it neither discusses nor cites the Lanham Act; and the Government points to no other statement suggesting that the FDA considered the full scope of interests protected by the Lanham Act. Even if agency regulations with the force of law that purport to bar other legal remedies may do so, it is a bridge too far to accept an agency's after-the-fact statement to justify that result here. An agency may not reorder federal statutory rights without congressional authorization. Pp. 15–17.

679 F. 3d 1170, reversed and remanded.

KENNEDY, J., delivered the opinion of the Court, in which all other Members joined, except BREYER, J., who took no part in the consideration or decision of the case.

SUPREME COURT OF THE UNITED STATES

No. 12–761

POM WONDERFUL LLC, PETITIONER *v.* THE COCA-COLA COMPANY

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 12, 2014]

JUSTICE KENNEDY delivered the opinion of the Court.

POM Wonderful LLC makes and sells pomegranate juice products, including a pomegranate-blueberry juice blend. App. 23a. One of POM's competitors is the Coca-Cola Company. Coca-Cola's Minute Maid Division makes a juice blend sold with a label that, in describing the contents, displays the words "pomegranate blueberry" with far more prominence than other words on the label that show the juice to be a blend of five juices. In truth, the Coca-Cola product contains but 0.3% pomegranate juice and 0.2% blueberry juice.

Alleging that the use of that label is deceptive and misleading, POM sued Coca-Cola under §43 of the Lanham Act. 60 Stat. 441, as amended, 15 U. S. C. §1125. That provision allows one competitor to sue another if it alleges unfair competition arising from false or misleading product descriptions. The Court of Appeals for the Ninth Circuit held that, in the realm of labeling for food and beverages, a Lanham Act claim like POM's is precluded by a second federal statute. The second statute is the Federal Food, Drug, and Cosmetic Act (FDCA), which forbids the

misbranding of food, including by means of false or misleading labeling. §§301, 403, 52 Stat. 1042, 1047, as amended, 21 U. S. C. §§331, 343.

The ruling that POM's Lanham Act cause of action is precluded by the FDCA was incorrect. There is no statutory text or established interpretive principle to support the contention that the FDCA precludes Lanham Act suits like the one brought by POM in this case. Nothing in the text, history, or structure of the FDCA or the Lanham Act shows the congressional purpose or design to forbid these suits. Quite to the contrary, the FDCA and the Lanham Act complement each other in the federal regulation of misleading food and beverage labels. Competitors, in their own interest, may bring Lanham Act claims like POM's that challenge food and beverage labels that are regulated by the FDCA.

I

A

This case concerns the intersection and complementarity of these two federal laws. A proper beginning point is a description of the statutes.

Congress enacted the Lanham Act nearly seven decades ago. See 60 Stat. 427 (1946). As the Court explained earlier this Term, it "requires no guesswork" to ascertain Congress' intent regarding this federal law, for Congress included a "detailed statement of the statute's purposes." *Lexmark Int'l, Inc.* v. *Static Control Components, Inc.*, 572 U. S. ___, ___ (2014) (slip op., at 12). Section 45 of the Lanham Act provides:

> "The intent of this chapter is to regulate commerce within the control of Congress by making actionable the deceptive and misleading use of marks in such commerce; to protect registered marks used in such commerce from interference by State, or territorial legislation; to protect persons engaged in such com-

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