



The Association of Business Media Companies

Recent Court Decisions

July 2003

American Business Media joined with many other publishing interests in a brief to the Supreme Court in *Nike v. Kasky*, urging the Court to overturn a decision by the Supreme Court of California that narrowed the scope of the First Amendment. The key issue before the Court was whether shoe manufacturer Nike—in printing denials that it exploits foreign workers—engaged in “commercial speech” aimed at potential buyers of its products, or political expression. After accepting briefs and hearing oral argument, the Court determined that it should not have accepted the case because there has been no final decision in California. It therefore issued no decision.

In addition, American Business Media submitted an amicus brief to a United States Court of Appeals contending that, at least as applied to the press, the anti-fax provisions of the Telephone Consumer Protection Act are unconstitutional. The court ruled the statute constitutional, without reaching the press issue, and its decision is now pending on rehearing by the entire court.