

UNCONSTITUTIONAL, EXPENSIVE, AND PROTECTIONIST OPPOSITION MOUNTS AGAINST LABEL CENSORSHIP BILLS

Legislators in several states across the country have introduced bills that would restrict meat terms on the labels of food that is not from slaughtered animals. The Good Food Institute opposes these bills because they violate producers' First Amendment rights, are unnecessary (federal law already prohibits misleading labels), and would disrupt the free market by favoring one industry over another.

This is what others across the country think of label censorship bills.

"Efforts to prohibit the use of commonly accepted phrases like 'veggie burger' and 'plant-based meat' run contrary to both the First Amendment and the English language. There is no evidence of consumer confusion about products like veggie burgers and other plant-based offerings, which means these prohibitions lack solid legal grounding."

- R Street Institute

Letter from R Street Institute, C. Jarrett Dieterle & Shoshana Weissmann, Commercial Speech and Food Labeling (2019).

"The U.S. Congress and Federal Meat Inspection Act preempted the entire field of meat labeling and specifically states, 'marking, labeling packaging or ingredient requirements in addition to or different from the act may not be imposed by any state,' and the Supreme Court of the United States has viewed this preemption as being very broad. Therefore, even if the proposed state law does not contradict the federal law or the Agricultural Secretary's regulations, it would still be preempted under the U.S. Constitution supremacy clause since the entire field of meat labeling is federally preempted."

- Hawaii Deputy Attorney General

Relating to Agriculture: Hearing on SB 1425 Before the S. Comm. on Agric. and Env't, 2019, Leg., 30th Sess. (Haw. 2019) (statement of Haw. Deputy Attorney Gen.).

"What the beef and dairy producers want is for the government to protect them from competition. [People] order veggie burgers in the happy knowledge that no hooved beast was harmed to make them. [Producers] are not trying to fool anyone."

- Chicago Tribune columnist Steve Chapman

Steve Chapman, *The Losing War Against Fake Meat*, (Apr. 25, 2018), <https://www.chicagotribune.com/news/opinion/chapman/ct-perspec-chapman-fake-meat-cattlemen-vegetarian-20180425-story.html>.

"I personally believe the consumer is smart enough to make the decision of putting whatever they want into their own body."

- Representative Cesar Chavez

Meat; Poultry; Sale; Misrepresentation: Hearing on HB 2604 Before the H. Comm. on Land and Agric, 2019, Leg., 54th Sess. (Ariz. 2019) (statement of Rep. Cesar Chavez.).

"Potential labeling changes...present significant cost burdens on food manufacturers and retailers. Planning, design, and implementation of food packaging typically takes 12 - 18 months and can add many thousands of dollars of unexpected costs that must be either absorbed or passed to consumers."

- Grocery Manufacturers Association, National Grocers Association, Plant Based Foods Association

Letter from Grocery Manufacturers Association, National Grocers Association & Plant Based Foods Association to Delegate Barry D. Knight, Chairman, House Agric. Chesapeake and Nat. Res. Subcomm. (Jan. 21, 2019).

"Missouri enacted a law, that was quickly challenged in the courts, limiting the use of the term 'meat' on a label to products derived from animals. More than a handful of other states, meanwhile, are in various stages of considering similar laws of their own - a development that promises to make business more difficult for everyone."

- Meatingplace Editorial

Meatingplace, *The Analogue Dish, A Patchwork Quilt* (Feb. 2019), available through subscription to *The Analogue Dish*.

"I think this [bill] is premature. [I]f this is the way we're headed as a people...I want to make sure that we are not positioning ourselves to be left behind in the next century of how human beings do food together."

- Representative Kelly Flood

An Act Relating to Cultured Animal Tissue: Hearing on HB 311 Before the H. Comm. on Agric, 2019, Leg., 2019 Sess. (Ky. 2019) (statement of Rep. Kelly Flood.)