



January 21, 2019

Delegate Barry D. Knight, Chairman
House Agriculture Chesapeake and Natural Resources - Subcommittee #1
1000 Bank Street
Richmond, VA 23219

Re: Opposition to HB 2274

Dear Chairman Knight,

The organizations below are writing to express our opposition to HB 2274 relating to the labeling of certain foods, specifically plant-based meat alternatives. Collectively, our members represent manufacturers and retailers large and small in Virginia and across the entire United States.

Under HB 2274, food products would be deemed misbranded if they purport to be or are represented as meat food product when they are not “meat” as defined by statute. The bill requires “meat like products” to include the word “imitation” on the labels.

To the extent the bill language may apply to plant-based food alternatives, we oppose the measure.

Plant-based meat manufacturers already follow current federal regulations and their products are clearly identified as not containing meat from an animal, nor do they represent their products as such. We are concerned that this bill may inadvertently impact these plant-based products that have been on grocery shelves for many years without controversy.

American consumers are sophisticated and spend time reading and understanding food labels. Requiring plant-based meat companies to create new and unfamiliar packaging would only confuse shoppers and frustrate retailers at a time when demand for such options is at an all-time high, growing at 23% a year.

Potential labeling changes, if required by this bill, 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. Therefore, this measure could result in higher prices for consumers.

Because food distribution takes place regionally, food manufacturers would have to establish “Virginia only” labels and segregate their manufacturing and distribution to ensure the requirements of the proposed law are met. Even with such efforts, mistakes could be made, placing both manufacturers and retailers at legal risk, while making Virginia potentially hostile to this growing sector of food industry.



It is also highly unlikely that such a law would survive a First Amendment challenge. Manufacturers of plant-based foods use truthful and non-misleading labels on their foods in full compliance with current labeling rules. Already there is a pending lawsuit in Missouri to challenge that state's labeling law.

We worry that, as currently worded, HB 2274 would stifle innovation and limit the ability of consumers to make informed choices. We should support, not hinder, these innovative foods that consumers are increasingly looking for. And Virginia should not be viewed as hostile to innovation and small business.

Until clarified that this bill is not intended to apply to plant-based foods, we must oppose HB 2274.

Sincerely,

Grocery Manufacturers Association
National Grocers Association
Plant Based Foods Association