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*Free Markets. Real Solutions.*  
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Dear State Lawmakers:

The R Street Institute has always stood up for free speech protections and views the right to communicate as a fundamental American value. This extends to the commercial context, where we believe that entrepreneurial businesses and innovators should be able to market, advertise and disseminate information about their products without undue hassle.

Unfortunately, there is a growing trend in states across the country to limit food companies' ability to label their products effectively, going so far as to prohibit certain words outright. Recently, Missouri passed a law making it illegal to "misrepresent" a product as meat if it was not "derived from harvested production livestock or poultry." The result is that companies producing plant-based meat products, such as veggie burgers, could potential face liability for using words like "meat," even if the packaging clearly identified the product as plant-derived.

Laws that target plant-based meat products are now cropping up in state capitals around the country. These legislative developments mirror calls for the Food and Drug Administration to pass new rules surrounding terms like "almond milk."

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.<sup>1</sup>

Worse, they are nonsensical from a linguistic standpoint. If companies can no longer use commonly accepted terms like "almond milk" or "veggie burger," they will inevitably be forced to use more confusing (and less appetizing) words. Only a government lawyer or a food critic could love the concept an "almond beverage" or a "veggie disk"; for the rest of us consumers, more historically grounded terms are clearly preferable. And for the wordsmiths out there: the dictionary agrees.<sup>2</sup>

Unless policymakers can definitively prove consumer confusion—which so far they have failed to do—they would be wise to scrap this misbegotten war on words.

Sincerely,

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<sup>1</sup> Some versions of these laws have also targeted products like cell-based meat, despite the fact that these foods are not even commercially available yet. Regulating products before they exist—and before any data about consumer reactions to the product have been collected—is generally a bad idea and should be opposed.

<sup>2</sup> Merriam-Webster online: "Meat," <https://www.merriam-webster.com/dictionary/meat> (primarily defined as the "edible part of something"; secondarily defined to pertain to "animal tissue").