

# SENATE BILL REPORT

## SB 6329

---

As of January 28, 2020

**Title:** An act relating to misbranding of meat and poultry products.

**Brief Description:** Concerning the misbranding of meat and poultry products.

**Sponsors:** Senator Warnick.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/23/20.

**Brief Summary of Bill**

- Establishes that a food is considered misbranded if it is a meat analogue and its labeling or advertisement utilizes an identifiable meat term; and the labeling or advertisement does not have a disclaimer in the same font, style, and size immediately before or after the identifiable meat term.

---

### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** The Washington State Department of Agriculture (WSDA) inspects and analyzes food products; inspects food processing, handling, and storage establishments and practices; inspects dairy farms and plants; inspects eggs for quality and weight standards; sets and enforces sanitary standards for egg graders; inspects refrigerated locker plants; inspects custom farm slaughterers, custom meat facilities, and licenses; and supervises dairy technicians.

The WSDA Food Safety Program is responsible for regulation, licensing, and inspection of food processing facilities, food storage warehouses, dairy farms and processing plants, cottage food operations, custom meat facilities, eggs, and marijuana-infused edibles. The Food Safety Program also issues export certificates.

Food businesses licensed by the state of Washington to produce, warehouse, process, market, sell, and distribute product are required to follow the safe food production, management and

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

handling practice specified in the Washington Food, Drug and Cosmetic Act and other applicable federal and state food safety laws and regulations depending on the type of activity the food business performs.

A person may not:

- cause or intend to cause misbranded food in intrastate commerce;
- sell, process, or store misbranded food in intrastate commerce; or
- receive, for the purpose of sale in intrastate commerce, food known to be misbranded.

Food is misbranded if it would be considered misbranding under the Federal Food, Drug, and Cosmetic Act, falsely represents its place or origin, or is not labeled and packaged in accordance with WSDA rules. WSDA may impose civil or criminal penalties for misbranding violations.

**Summary of Bill:** A food is considered misbranded if it is a meat analogue and:

- its labeling or advertisement utilizes an identifiable meat term; and
- the labeling or advertisement does not have a disclaimer in the same font, style, and size immediately before or after the identifiable meat term, stating "this product does not contain meat."

"Identifiable meat term" includes, but is not limited to, terms such as meat, beef, pork, poultry, chicken, turkey, lamb, goat, jerky, steak, hamburger, burger, ribs, roast, bacon, bratwurst, hot dog, ham, sausage, tenderloin, wings, breast, and other terms for food that contain any meat, meat food product, poultry product, or poultry food product.

Food labeled as imitation is not subject to the misbranding provision. If a person violates this provision, WSDA may impose civil or criminal penalties under the existing misbranding provisions.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: It is important to know if something is vegetarian because if it says burger that should mean it comes from an animal. There is a sign at a fast food restaurant that advertises an impossible burger but does not say that it is a plant-based product. There needs to be truth in advertising. This bill is patterned after a Kansas bill which has not been litigated at this time. This is a truth in advertising bill. Beef is a healthy product and it is important that people know what they are eating. This bill is designed to make it clear to the customer what they are buying and to make sure that the label is not misleading in any way.

CON: This bill would compel plant-based food producers to create new Washington specific labels for products that use terms like veggie burger and soy sausage. This bill is a solution

in search of a problem because consumers are not confused by plant-based foods. The requirements proposed by this bill would raise constitutional issues. Governments cannot restrict commercial speech unless the restriction directly advances a substantial government interest and there is no evidence of consumer confusion. This bill would hurt business here in Washington because creating a state specific regulation would lead to an untenable situation where products sold in this state must be labeled differently from products sold in other states.

OTHER: Honest and clear labeling is important both for plant-based foods and meat products. Associations and companies have been working to make sure language is clear regarding what is meat and what is a plant-based food. The bill could be amended to require clarity of labels without requiring specific Washington only labels. No other state has required specific wording on the label and the proposed amendment is consistent with six states that have enacted similar laws. The bill could be amended in a way that works for all parties, manufacturers, cattlemen, retailers, and consumers. There are concerns about the interstate commerce implications of the bill, especially for stores that are located in the Vancouver area because warehouse facilities in Portland provide products that would have to be compliant. There are also issues with products that are sourced here and shipped out of state. The food system and its regulatory world is very complex as various sections of federal law have different approaches to preemption or may be interpreted in different ways on free speech. This bill has very specific language about what must be included on the label and the amendment would make it easier for companies to comply with the requirements.

**Persons Testifying:** PRO: Senator Judy Warnick, Prime Sponsor; Sam Ledgerwood, President Washington Cattlemens Association.

CON: Mark Onley, The Good Food Institute.

OTHER: Catherine Holm, Washington Food Industry Association; Holly Chisa, NW Grocery Association; Evan Sheffels, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** No one.