

Mississippi Sued Over Plant-Based, Cell-Based, and Insect-Based Meat Labeling Law



Article By

[Food and Drug Law at Keller and Heckman](#)
[Keller and Heckman LLP](#)
[The Daily Intake](#)

- [Biotech, Food, Drug](#)
- [Constitutional Law](#)

- [Mississippi](#)

Wednesday, July 3, 2019

Like [countless](#) other states, earlier this year, Mississippi passed [SB 2922](#), which stipulates that cell-based, plant-based, or insect-based foods cannot be labeled as “meat” or “a meat food product” (e.g., “hamburgers,” “hot dogs,” “sausages,” “jerky”, etc.). Specifically, SB 2922 amended Section 75-35-15(4) of the Mississippi Code to state “[a] food product that contains cultured animal tissue produced from animal cell cultures outside of the organism from which it is derived shall not be labeled as meat or a meat food product. A plant-based or insect-based food product shall not be labeled as meat or a meat food-product.” Such products still run afoul of the law even if the labels include claims like “100% vegan,” “plant-based,” or “meatless.”

SB 2922 came into effect on July 1, 2019. On that same day, vegan “meat” producer, Upton’s Naturals Co. and the Plant Based Foods Association (PBFA) filed [suit](#) in federal court against Mississippi’s Governor and Commissioner of the Department of Agriculture and Commerce arguing that the label restrictions violate their First Amendment right to free speech, among other claims. Upton’s and PBFA are seeking a declaratory judgment that SB 2922 violates the First and Fourteenth Amendments to the U.S. Constitution, a preliminary injunction prohibiting enforcement of SB 2922 throughout the duration of the litigation, a permanent injunction, and an award of nominal damages in the amount of \$1.00.

Mississippi’s Department of Agriculture and Commerce, along with the state’s cattle

and poultry associations, supported the state law. Indeed, in response to the lawsuit, the Department [said](#) it has a “duty and obligation to enforce the law” and that it wanted to ensure the consumer has “clear information on the meat and non-meat products they purchase.” However, supporters of the lawsuit, like the Good Food Institute, argued that “Mississippi is acting as word police” and that the law is a “slippery slope” that could open the door to restrictive labeling.

© 2019 Keller and Heckman LLP

Source URL: <https://www.natlawreview.com/article/mississippi-sued-over-plant-based-cell-based-and-insect-based-meat-labeling-law>