

PUBLIC COMMENTS

HB 316

HOUSE COMMITTEE ON PUBLIC HEALTH

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Hearing Date: March 17, 2021 8:00 AM

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Tami Honesty, Ms

Radio One

Dallas, TX

Oppose, please oppose.we are in opposition.

ANDREW BROWN

"self" collections

Dallas, TX

I oppose HB 316. Businesses should generally be able to freely advertise products that are legal to sell, purchase and possess. Laws that restrict advertising risk violating advertisers' First Amendment protections. Absent consumer safety concerns, government should refrain from creating roadblocks that keep new products from reaching market.

cynthia brown

"self" sales assistant

Dallas, TX

I oppose HB 316 by Buckley! Businesses should generally be able to freely advertise products that are legal to sell, purchase and possess. Laws that restrict advertising risk violating advertisers' First Amendment protections. Absent consumer safety concerns, government should refrain from creating roadblocks that keep new products from reaching market.

Sandra Whisler

self landowner and college teacher

Copperas Cove, TX

HB 2277 Takes a similar, but simpler approach to this problem. I would prefer to see that version of the bill. I definitely think lab grown "meat" should be labeled as a lab produced product, and NOT as meat. It should also not be promoted as a "green" solution to meat production as it takes as much or more energy to produce as current meat production practices. Also, plant based "meat-like" products should also clearly be labeled as containing no meat.

Tany Kaliksztein, Retired teacher

Ohr HaTorah

Dallas, TX

Pse help us maintain our traditions

George Kelemen

Texas Retailers Association (TRA)

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Austin, TX

The Texas Retailers Association registers its opposition to SB 316

Judith McGeary

Farm and Ranch Freedom Alliance and self (farmer)

Cameron, TX

My name is Judith McGeary, and I am the Executive Director of the Farm and Ranch Freedom Alliance (FARFA). I am also an attorney and a regenerative farmer. On behalf of myself individually and FARFA, I submit this testimony in support of HB 316.

FARFA represents small farmers, ranchers, local food businesses, and consumers. We advocate for common-sense policies for local, diversified agricultural and food systems. One of the most basic issues is accurate, clear labeling of foods, so that consumers can make informed choices about how and where to spend their money. Without clear, accurate information, the market cannot function.

It's simple: Soy is not meat. Beans are not meat. Cells grown in a petri dish on artificial nutrient solutions are not meat. All of these are legitimate food items that businesses can manufacture and that consumers can choose to buy. But labels that imply in any way that these products are equivalent to meat from livestock are false and misleading.

While supporting the fundamental concept and goals of HB 316, we are concerned that some the language is overly broad and ambiguous. Terms such as the "the human benefit" of the food do not have a defined meaning. And preventing the labeling of an item with the word "imitation" goes too far; as long as it is clear that the product is indeed "imitation" meat/beef/chicken/pork, consumers can and should be able to make their own decisions about whether to buy such an imitation product.

FARFA would thus encourage the committee to approve a substitute bill with language similar to HB 2277, which achieves the goal of preventing misleading labels in a more narrowly tailored manner.

I regret being unable to attend the committee hearing on Wednesday and would be glad to follow up to provide additional information.

Respectfully,

Judith McGeary

Judith@FarmAndRanchFreedom.org

Chuck Mains

Impossible Foods

AUSTIN, TX

Impossible Foods Inc. Opposes House Bill 316.

This bill would impair their First Amendment right to free speech and unduly restrict their ability to accurately describe their product in a way that consumers understand.

Impossible Foods makes delicious foods directly from plants, including the Impossible Burger™. They also produce Impossible Sausage Made from Plants, which are available nationwide in diners and restaurants.

The Impossible Burger and the other foods they plan to make are not animal meat, they are plant-based meat. Their entire reason for existence is to make delicious food directly from plants that replicates the taste, texture, and aroma of meat from animals, and they want consumers to know it. They would never try to trick consumers into thinking they were eating meat from livestock – in fact, they do the exact opposite by clearly emphasizing to consumers that their food comes from plants.

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Since launching in restaurants in 2016 and in retail stores in 2019, Impossible Foods have been highly sought after because of what they are—made from plants. Impossible Food retail labels display the highlighted words “made from plants” with the same prominence as “burger,” right on the front of the label. The back says “All flavor. No cow.”

Impossible Foods opposes HB 316 because it will impede their ability to market their product truthfully to Texas consumers as what it is: plant-based meat.

If Impossible Foods are not able to accurately describe their product in words consumers understand, they won't buy it. Calling the burger “plant-based meat,” combined with the ground beef appearance of the burger, lets home cooks know what to do with the burger when they unwrap it: cook it like they would ground beef.

There is no evidence that consumers are confused by what “plant-based meat” means, particularly when their label also says “no cow.” The same consumers who understand that turkey bacon comes from turkey, cauliflower rice comes from cauliflower, and peanut butter comes from peanuts are all clear that “plant meats” come from plants.

Federal labeling laws already prohibit deceptive labeling. The FDA has policies and procedures in place to take action against companies that aren't clear about the ingredients in their food products. From a practical and business perspective, creating a patchwork of labeling laws—and introducing new standards that will have to be interpreted and fleshed out—is unnecessarily burdensome and costly.

Impossible Foods is a startup company growing fast in markets across the country. To continue growing, they need consistency and certainty in the law.

For these reasons, Impossible Foods believe this bill isn't needed, sets a bad precedent, and seeks to prohibit lawful and desirable commercial speech. Please vote no on this unneeded legislation.

Carla Gilmore, Ms.

Self

Elgin, TX

Adult adoptees deserve their information like everyone else.

Kathy Grant

The Good Food Institute

Austin, TX

Submitted on behalf of The Good Food Institute in Opposition to HB 316 by Buckley:

The Good Food Institute is a 501(c)(3) nonprofit organization that works with scientists, researchers, businesses, entrepreneurs, industry partners, and policymakers to harness the power of food innovation and markets to create a sustainable, secure, and just food system.

We are writing to express concerns with House Bill 316, which would censor the labels and advertisement of plant-based meat and the future labels and advertisement of cultivated meat. As written, H.B. 316 violates producers' First Amendment right to free speech, gets in the way of labeling enforcement that the U.S. Department of Agriculture (USDA) is already undertaking, and unfairly favors particular industries at the expense of Texas consumers.

H.B. 316 violates the right to free speech, which can only be curtailed in the commercial context to further a compelling government interest. Similar laws in Missouri and Arkansas are currently in litigation on the grounds that they violate the First Amendment by preventing clear and accurate labeling of plant-based meat products. In 2019, a federal court issued a preliminary injunction preventing enforcement of Arkansas' label censorship law — which sought to limit usage of meat terms on plant-based food labels — because it likely violates the First Amendment. Furthermore, the judge in this case wrote, “The State appears to believe that the simple use of the word 'burger,' 'ham,' or 'sausage' leaves the typical consumer confused, but such a position

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requires the assumption that a reasonable consumer will disregard all other words found on the label. That assumption is unwarranted.” Texas’ legislature should not put the state in the position where it needs to decide whether to use taxpayers’ money to defend a law that raises significant constitutional issues.

Additionally, the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA)— which give USDA authority over cultivated meat and poultry labels — already prohibit misleading labels and preempt state restrictions on meat and poultry labels. USDA will require premarket approval of labels and will inspect them to ensure they meet its standards. This means that not only is H.B. 316 preempted, but it is also completely unnecessary and would put Texas at odds with USDA’s clear authority on this issue.

Finally, this bill seeks to solve a problem that does not exist. Plant-based and cultivated meat producers have every incentive to tell consumers how their products are made because it is central to their value proposition, and Texans are smart enough to know what they are buying. H.B. 316 would impose arbitrary labeling requirements intended to privilege one set of producers over another. The government should not pick marketplace favorites.

We respectfully urge you to vote against unnecessary and unconstitutional government overreach. Please oppose H.B. 316.

Deborah Stanford

Consumer

Hamilton, TX

All products, especially food related products should be labeled for contents, date of production, place of origin, place of production, proper handling procedures / cooking and dates of use or freeze by or expected spoilage date.