

The Battle for Meat

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California

2021

The Fourth of July, the great American holiday, is characterized by splashing pool parties, colorful fireworks, and friends and family. But the aspect of the fourth more defining than its red, white and blue table cloths is the sizzle and pop of aromatic burger patties on the grill. But the traditional beef burger is about to gain a new grill partner and competitor, one that has been making headlines. Plant-based meat startups such as Beyond Meat and Impossible Foods are producing plant-based products that look, smell, and taste like animal meat and they are growing in popularity (Mitchell, 2020).

The United Bank of Switzerland projects growth of plant-based protein alternatives to increase from \$4.6 billion in 2018 to \$85 billion in 2030 (United Bank, 2019). The plant-based foods sector grew 27% in 2020 alone (Retail sales data, 2021). Food giants such as Tyson and Nestle have hopped on the trend as well, designing their own plant-based products across the meat spectrum (Yaffe-Bellany, 2019). However, these companies and their labeling of plant-based meat has become extremely controversial, and is currently facing restrictive legislation in 25 states and on the federal level (Defining “meat”, 2019).

Opponents of the movement state that plants are not meat, so may not be falsely marketed as such, while supporters counter that packaging is clear enough to let consumers know that their products are not ‘real’ meat (Beyond Meat, 2017). The Federal Food and Drug Act of 1906 defines a meat food product as “...any product capable of use as human food... from any meat or other portion of the carcass of ... cattle, sheep, swine, or goats...” (116th Congress, 2019, Sec. 403D). This debate has grown heated and cattlemen have taken the offensive.

The Real Marketing Edible Artificials Truthfully (MEAT) Act of 2019 was introduced in both the United States House of Representatives and Senate with support from beef producers

across the nation. As is stated in the bill, “the lack of any Federal definition of “beef” or “beef products” for the purposes of meat food product labeling has led some to begin marketing imitation products as meat or beef, creating the opportunity for marketplace confusion and consumer fraud.” Upon this basis of consumer fraud, the bill requires the use of the term “imitation” when labeling non-meat products. It defines a meat imitation as, “any product... to appear as a meat food product or... approximates the aesthetic qualities of meat but does not contain meat,” (116th Congress, 2019, Sec.403D).

Legislation has also been introduced in multiple states. In general, legislation requires the use of ‘imitation’ or bans the labeling of products not harvested from animals as ‘meat’. Authors of these bills favor specific verbiage that meat must have died by slaughter, disqualifying lab grown and plant-based meat from the definition. When challenged, they advocate for transparency and clarity to the consumer. Vegetarian legislator Carol Blood argued in favor of legislation, saying, “I don’t care that it says burger- I care that it says it’s meat”. She decided to sponsor a bill in Nebraska after witnessing her fellow customers' confusion over the contents of alternative products in her local grocery store (Popper, 2019, para.18)

Another objection to plant-based meat labeling is the healthy, garden-like ring of plant-based product names that gives them a “health halo.” According to the Harvard Health Blog, plant-based meats are comparable in protein to traditional beef and tend to have more vitamins and minerals, which are vital additives in vegan and vegetarian diets. But in a four-ounce patty, these burgers contain up to two more grams of saturated fat and approximately 300 more milligrams of sodium. Even though legumes are sourced for protein in meatless options, their health benefits are blunted by the high degree of processing involved, as they fully qualify for the NOVA definition of ultra-processed foods (Watson, 2019).

While this legislation's logic is clear and states including Missouri and Arkansas have passed legislation, imitation meat companies have gained ground in the court systems. In Arkansas, Tofurky filed a lawsuit arguing that the state's law violates their First and Fourteenth Amendment rights. They claimed that consumers understand that a 'plant-based' or 'vegan burger' means it does not contain meat and heavy regulation of this terminology would restrict their freedom of speech and confuse consumers, unfairly discriminating against their market (Beincke, 2019). Tofurky won the case, setting a precedent for future legal disputes (Silverman, 2020). The executive director of the Plant Based Foods Association, Michelle Simon, stated this frustration, "There's just limited words in the English language to convey a concept that the consumer already understands... we should not have to engage in linguistic gymnastics." (Bromwich & Yar, 2019, para 8). This argument has had success. Recently, Mississippi amended their law that prohibited meat-like labels, such as "burger" and "hot dog" from use by non-meat products (Watson, 2019). The law now requires only modifiers such as 'meat free' or 'plant based' (Silverman, 2020). Furthermore, what if the product is made of meat, just not animal meat? 'Meat' does refer to more than animal flesh, such as the meat of a nut. Maria Stoutenborough, the owner of a vegan restaurant that serves nut-and-seed sausage, argued this, saying, "It's meat, it's just nut meat... not flesh meat..." (Bromwich & Yar, 2019, para 28). While most meat alternatives are made with more than nut meat, the Impossible Burger using soybeans and the Beyond Burger using pea protein, Stoutenborough presents a valid rhetorical concern for lawmakers to consider and address days (Povich, 2019).

Will the Fourth of July, the great American holiday, have a new iconic partner? Will Impossible and Beyond burgers join beef on grills across the nation? And will they be labeled as plant-based or imitation? The battle for meat may not exceed the vigor of the battles fought for

our independence, but it is real, flaming hot and will impact ranchers, researchers, and consumers across the nation.

References

- 116th Congress. (2019, December 10). H.R.4881 - Real MEAT Act of 2019. Congress.gov.
- Beincke, C. (2019, August 11). These 3 lawsuits are protecting the rights of companies like Beyond Meat to call their products 'burgers,' 'hot dogs,' and other words associated with meat. Insider. <https://markets.businessinsider.com/news/stocks/what-state-have-laws-what-to-call-plant-based-meat-2019-7-1028436300>
- Beyond Meat. (2017, August 15). Beyond the headlines: a clarification regarding Beyond Meat and Impossible Foods. <https://www.beyondmeat.com/whats-new/beyond-the-headlines-a-clarification-regarding-beyond-meat-and-impossible-foods/>
- Bromwich, J. E., & Yar, S. (2019, July 25). *Fake Meat War*. The New York Times. <https://www.nytimes.com/2019/07/25/style/plant-based-meat-law.html>.
- Defining “meat”: Proposed laws regulating labeling. (2019). National Ag Law Center. <https://nationalaglawcenter.org/wp-content/uploads/2019/11/Defining-Meat-Proposals.pdf>
- Kasparak, A. (2019, August 16). Are ingredients in ‘Impossible’ and ‘Beyond Meat’ burgers indistinguishable from dog food? Snopes. <https://www.snopes.com/fact-check/impossible-burgers-dogfood/>
- Mitchell, D. (2020, March 11). Proposal: Bills Delegate Responsibility for Alternative Protein Safety and Labeling. National Agricultural Law Center. <https://nationalaglawcenter.org/proposal-bills-delegate-responsibility-for-alternative-protein-safety-and-labeling/>.
- Popper, N. (2019, February 9). You call that meat? Not so fast, cattle ranchers say. The New

York Times. <https://www.nytimes.com/2019/02/09/technology/meat-veggie-burgers-lab-produced.html>.

Povich, E. S. (2019, January 25). 'Fake Meat' battle spreads to more states. PEW Trusts.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/01/25/fake-meat-battle-spreads-to-more-states>

Retail sales data: Plant-based meat, eggs, dairy. (2021, June 21). The Good Food Institute.

<https://gfi.org/marketresearch/>.

Silverman, M. (2020, August 19). The FDA should regulate to end the plant-based meat

labeling controversy. Lewis & Clark Law School. <https://law.lclark.edu/live/blogs/136-the-fda-should-regulate-to-end-the-plant-based>.

United Bank of Switzerland. (2019, October 16). Is mock meat the future of food?

<https://www.ubs.com/microsites/wma/insights/en/investing/2019/meat.html>

Watson, E. (2019, October 29). The Real MEAT Act of 2019: Plant-based brands should use

term 'imitation' meat. Food Navigator USA. <https://www.foodnavigator-usa.com/Article/2019/10/29/The-Real-MEAT-Act-2019-Plant-based-brands-should-use-term-imitation-meat#>

Yaffe-Bellany, D. (2019, October 14). Plant-based protein alternatives-the battle for meat. New

York Times. <https://www.nytimes.com/2019/10/14/business/the-new-makers-of-plant-based-meat-big-meat-companies.html>