

OLR Brown Bag Lunch Series

Panel Discussion followed by Q&A

Do You Know What You're Buying? A Discussion on Food Labeling Laws and Federal Preemption

Tuesday, December 13th from 12:00 PM to 1:30 PM
Old Judiciary Room, Capitol Building

Seating is limited

Please RSVP to Nicole Dube by Thursday, December 8th
(Nicole.Dube@cga.ct.gov or 240-8431)

Panelists will discuss state and federal food labeling requirements, federal preemption issues, and the impact of food labeling on consumer choices.

Expert Panelists

Frank Greene is director of the Division of Food and Standards at the Connecticut Department of Consumer Protection. Greene serves on the board of directors of the Northeast Food and Drug Officials Association and is president-elect of the Northeast Conference of Weights and Measures.

E. Donald Elliott is a partner at the international law firm Wilke Farr and Gallagher LLP in Washington DC and heads its global Environment, Health, and Safety department. Elliott specializes in environmental law and food and drug regulation. He has been a member of the Yale Law School faculty since 1981 and was named as the school's first endowed chair in environmental law and policy. Elliott was also a former Assistant Administrator and General Counsel to the U.S. Environmental Protection Agency.

Marie Bragg is a clinical psychology doctoral candidate at Yale University and currently conducts food labeling research at the Yale Rudd Center for Food Policy and Obesity.

Do You Know What You're Buying?

An informal brown-bag discussion on food labeling

1. What do these symbols mean?



2. Is there a problem with this label?



3. How about this statute? Can a state require this?

“(D) ‘Butter’ or any combination of ‘butter’ with other words shall not be used in the label or in advertising any product which is made in imitation of or as a substitute for ‘butter’.”

4. Can the plaintiff proceed with her state tort claim in this case?

Fact Pattern:

- consumer protection suit under state law for misleading granola bar labels that say the bars contain “35% of your daily fiber”
- claimed fiber in bars is actually inulin extracted from chicory root and so extracted that it is a “non-natural fiber” (i.e., processed inulin)
- box does not state that the principal fiber is inulin from chicory root
- box ingredient list does label “chicory root extract” and “inulin from chicory root”
- complaint alleges inulin provides fewer of the benefits of eating fiber, causes stomach problems for some people, and is harmful to pregnant women

A label may run afoul of state or federal labeling requirements. A state statute or court action could be preempted (trumped) by federal law. Find out the answers to the above questions and yours at this month’s OLR brown bag discussion on food labeling issues!

Answers: (1) product is certified by USDA as at least 95% organic; product is treated with irradiation; (2) Yes, the label has no English translation; (3) No, this statute is preempted by federal law; (4) No, her suit is also preempted. Come find out why at this month’s panel discussion!