MEATLESS CITIES

A Workshop on How Cities Can Help Lead the
Transition to a Plant-Forward Food System

Session 2
Informational Policies
June 15, 2021 | 1:30 – 2:30 PM

POLICY OPTIONS

Cities around the world have introduced policies aimed at raising public awareness of the benefits of limiting meat consumption or, conversely, the harm of continuing to consume meet at current levels. Examples of such informational policies include:

Meatless Mondays. Many cities have adopted "Meatless Monday" resolutions, including Long Beach (CA), Los Angeles (CA), Oakland (CA), Sacramento (CA), San Francisco (CA), San Jose, Washington, DC, South Miami (FL), Indianapolis (IN), Boone (NC), New York City (NY), Cleveland (OH), and Philadelphia (PA).

Informational Campaigns. Some cities have used informational campaigns to educate residents. For example, New York City's Mayor's Office of Animal Welfare has sent newsletters encouraging residents to reduce meat consumption. Austin (TX) has published "Tips for Sustainable Eating," including "prioritizing plant-based foods" as a means for improving health and reducing impacts on the environment.

Climate Action Plans. A few cities have targeted meat consumption as a means of reducing greenhouse gas emissions in their city's climate action plans, including Oakland (CA), Portland (OR), and Seattle (WA).

Sustainable Food Plans. Recognizing the impact of food choices on the environment, some cities have developed food plans aimed at addressing the social, economic, health, and environmental challenges facing their food systems. These include New York (NY)'s Food Forward NYC 10-Year Food Policy Plan and San Francisco (CA)'s Healthy and Sustainable Food for San Francisco.

Labeling Laws. No U.S. city (or state) has passed a law requiring food products to contain carbon footprint or animal welfare labels. However, there are numerous ecolabels that companies can voluntarily choose to put on their packaging that indicate the environmental or animal welfare impact of their products.[1]

POTENTIAL CHALLENGES

Legal Challenges to Existing Policies. City-level "Meatless Monday" resolutions, informational campaigns, and climate action and sustainable food plans do not appear to have encountered legal challenges. Because these policies are generally non-binding or otherwise voluntary, there is likely no legal grounds to challenge them. Rather, opposition to such policies has been primarily political.

Legal Challenges to Labeling Laws. If made mandatory, food labeling laws may be susceptible to legal challenge under state and federal constitutional law. For example, New York City's Bloomberg-era calorie count laws were challenged as commercial free speech violations. Moreover, because food labeling and marketing is traditionally within the jurisdiction of the FDA and USDA, respectively, food labeling laws are also at risk of federal preemption. For example, after Vermont passed a law requiring special labeling on

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[1] See Ecolabel Index for a list of ecolabels in the United States: http://www.ecolabelindex.com/ecolabels/?st=country,us

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genetically modified foods, the federal government adopted the National Bioengineered Food Disclosure Standard, effectively preempting the state's law.

Other Considerations. Apart from legal considerations, it is also worth considering whether informational policies are effective in shifting consumer behavior—that is, whether consumers can be swayed by the information presented to them to reduce their meat consumption. For example, given the choice, individual preferences for certain foods may matter more to some consumers than perceived health, animal welfare, or environmental benefits. Labeling laws also potentially run the risk of confusing consumers who may already be overwhelmed by existing voluntary ecolabels and other marketing claims.

QUESTIONS FOR DISCUSSION

1. On non-labelling approaches, how effective have existing informational campaigns and "Meatless Monday" resolutions been? Is there evidence that these efforts have influenced consumer behavior? Are there lessons from other informational campaigns that cities should bear in mind as they seek to maximize impact?

2. On labeling approaches:

    a. Can and should cities mandate that meat products carry a label indicating the health, environmental, or animal welfare impacts of the products? For example, should beef products denote their embedded carbon? Or whether the meat was raised in a CAFO?

    b. With respect to carbon labels in particular, what is the right metric? Emissions per unit of weight? How reliable are embedded emissions estimates?

    c. What sort of precedents might cities look to in developing labels for meat? Nutritional labels? Dolphin-safe tuna? Cigarettes? Are there other important precedents to be aware of?

    d. What are the legal obstacles to municipal labelling mandates? Are the obstacles largely federal or are their also substantial obstacles imposed by state law?

    e. Are there examples of NGO or corporate labels for meat that cities might piggyback on?

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