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Burgers, Chops, & Vegetable Crops: Constitutional Rights and the "War" on Plant-Based "Meat"

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Plant-based ?meats? are products that mimic the texture, flavor, and appearance of meat that comes from live animals. Tofurky uses terms like ?chorizo,? ?hot dogs,? and ?ham? to describe its products. All of their products unambiguously indicate that they are plant-based, meatless, vegetarian, or vegan. This note will analyze the constitutionality of Act 501, and substantially similar laws that may threaten the constitutionally protected rights of Freedom of Speech and Due Process guaranteed under the First and Fourteenth Amendments. It will also analyze the possible implication of the Dormant Commerce Clause.

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This article is comprised of four parts. Part I will focus on the new perceived ?threat? and emergence of plant-based products and its place in the agriculture and consumer market. Part II will discuss the plaintiff's First Amendment claim and the prayer for relief that allegedly protects freedom of speech and expression, which extends to the good faith labeling of food products. Part III will cover the Fourteenth Amendment Due Process violation the plaintiffs assert in their complaint and memorandum in support of plaintiff's motion for preliminary injunction. The Due Process Clause of the Fourteenth Amendment prohibits against vague statutes. This note will also discuss what constitutes a vaguely written statute, including an assessment of whether or not the plaintiff could prevail on their motion for a preliminary injunction on that claim and additionally, whether or not a court would find the statute unconstitutional. Part IV will cover the public policy implications of upholding Act 501, and substantially similar laws in the United States, and reasons for possibly allowing environmentally friendly companies like Tofurky to promote, advertise and sell their products to the general public.

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