



January 22, 2020

Representative Highland, Chair

Agricultural Committee

**RE: HOUSE BILL 2437 - OPPOSE**

Dear Chair Highland:

On behalf of the Consumer Brands Association<sup>[1]</sup> ("CBA") and its members, we hereby submit the following comments and concerns regarding HB 2437. As a prefatory matter, we support the premise that foods should not be misrepresented and we have led several initiatives to ensure consumers have transparency with the brands they rely on every day. Unfortunately, we believe HB 2437 creates more problems than it solves for consumers, retailers, and manufacturers. CBA members already follow the federal regulations and requirements by identifying their products with appropriate qualifiers such as "plant-based" or "vegetarian". HB 2437 would layer new requirements to Kansas state law where a meat analogue that utilizes an "identifiable meat term" would be required to include the exact phrase "this product does not contain meat." An immediate concern is "identifiable meat term" does not include a finite list. Rather, the list leaves retailers and manufacturers in the challenging position to guess if their label is in, or out. This vagueness interjects an unreasonable amount of guesswork in complying with the law.

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<sup>[1]</sup> The Consumer Brands Association champions the industry whose products Americans depend on every day. From household and personal care to food and beverage products, the consumer packaged goods industry plays a vital role in powering the economy, contributing \$2 trillion to U.S. GDP and supporting more than 20 million American jobs.



The planning, design, and implementation of food packaging can take well over a year and is a significant cost to manufacturers. As drafted and if passed, HB 2437 would be effective after publication in the statute book. As a practical matter, there is no way label changes could be made that quickly and HB 2437 leaves no “sell through” or other provision to address existing inventory in retail markets. Retailers would have to either manually place stickers on each food package or throw them away. HB 2437 also does not consider that food distribution takes place regionally and food manufacturers and distributors would have to establish “Kansas only” labels and segregate their manufacturing and distributing to ensure the requirements of HB 2437 are met.

One of the most important facets of any statute or regulation is its consistency with other programs and its consumer interface. Consistency creates uniformity. Uniformity for the regulated entity, like food manufacturers, is important because it allows companies to provide high quality information in a consistent format to its customers. Simply put, a customer in Kansas should see the same label and be able to get the same information, in the same fashion, as a customer in Nebraska or Missouri.

Thank you for the opportunity to comment on HB 2437. If you have any questions, please feel free to contact me at (916) 508-6278 or [jhewitt@consumerbrandsassociation.org](mailto:jhewitt@consumerbrandsassociation.org)

Respectfully submitted,

A handwritten signature in blue ink that reads "John Hewitt". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

John Hewitt  
Senior Director