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WLF Seeks Uniform National Definition of “Natural” from FDA for Use on Food Labels

(In re: Use of “Natural” on Food Labels)

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—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—On May 10, Washington Legal Foundation submitted formal comments urging the Food and Drug Administration (FDA) to adopt a uniform national policy regarding the use of the term “natural” on food labels. WLF’s submission argues that a nationwide definition of “natural” is a far-less-costly alternative to the current system, under which food manufacturers face repeated lawsuits under state law for supposedly misleading labeling claims.

WLF asserts that the precise details of FDA regulation are less important than that FDA establish some uniform definition of the term “natural.” WLF argues that a uniform definition would result in federal preemption of all state-law tort claims that seek to impose a definition of “natural” that is not identical to FDA’s definition. Furthermore, creating a uniform definition would reduce the likelihood that “natural” claims would mislead consumers.

WLF urges FDA to base its comprehensive definition on the agency’s current, informal policy: a food is “natural” if it contains no artificial or synthetic ingredients and no ingredients that consumers would not normally expect to be in the product. Noting that FDA has typically focused its “natural” determination on processing that takes place after the food has been grown and not on production methods (such as whether a farmer uses pesticides or genetically-engineered seeds), WLF argues that food otherwise qualifying as “natural” should not be disqualified based on the farming methods that produced it.

After submitting its comments, WLF issued the following statement by Chief Counsel Richard Samp:

“Plaintiffs’ lawyers have exploited the absence of a comprehensive FDA definition of ‘natural’ by asking juries to create their own definitions and award damages based on allegedly misleading product labeling. A uniform federal policy will reduce consumer confusion and permit manufacturers to avoid costly lawsuits. Some consumers have expressed a preference for products without artificial or synthetic ingredients, and FDA can assist them in finding such products by adopting a standardized definition of “natural.””

WLF is a public interest law firm and policy center that regularly litigates in defense of free enterprise and undertakes advocacy to reduce frivolous lawsuits.

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