



## LEGISLATION, REGULATIONS & STANDARDS

### Illinois Adds Sesame to Allergen-Labeling Regulations

Illinois has passed a law requiring businesses to indicate on food labels whether a product contains sesame. The amended law deems a food misbranded if “it contains sesame, is offered for sale in package form but not for immediate consumption, and the label does not include sesame.” The state representative who sponsored the legislation told the NPR affiliate that his daughter is allergic to sesame and has received incorrect answers when inquiring about the ingredient at restaurants. “If they see us do it, the hope is that everyone does it,” he reportedly told WILL. “I hope that the [U.S. Food and Drug Administration (FDA)] and other states will follow suit.”

FDA and the U.K. Food Standards Agency have opened investigations into the prevalence of sesame as an allergen in prepared food products, while Canada, the European Union, Australia and Israel have reportedly enacted regulations requiring sesame labeling.

### Europe, California to Ban Chlorpyrifos

SHARE WITH [TWITTER](#) | [LINKEDIN](#)

SUBSCRIBE

PDF ARCHIVES

Shook offers expert, efficient and innovative representation to clients targeted by food lawyers and regulators. We know that the successful resolution of food-related matters requires a comprehensive strategy developed in partnership with our clients.

For additional information about Shook’s capabilities, please contact



**Mark Anstoetter**

California regulators have reportedly indicated that they will ban the pesticide chlorpyrifos following the Environmental Protection Agency's (EPA's) refusal to ban the substance. "We have to step into the void and take action where the federal government has failed to do so," the head of the state's environmental agency reportedly told *The Los Angeles Times*. The announcement also follows a lawsuit filed by California and five other states challenging EPA's decision.

In Europe, the approval period for chlorpyrifos ends in January 2020, and the European Food Safety Authority has indicated—without issuing a formal decision—that it has "identified concerns about possible genotoxic effects as well as neurological effects during development, supported by epidemiological data indicating effects in children," according to a press release. "This means that no safe exposure level—or toxicological reference value—can be set for the substance."

## UK Prohibits Cheese Ad for Harmful Gender Stereotypes

The U.K. Advertising Standards Authority (ASA) has upheld a complaint that a television advertisement "perpetuated a harmful stereotype by suggesting that men were incapable of caring for children and would place them at risk as a result of their incompetence." The ad showed a father leaving a baby in a carrier on a conveyor belt as he examined his food options, including Philadelphia cream cheese products. Mondelez argued that it showed two men caring for their children and "took care to ensure the babies were not shown to be coming to any harm." ASA found the arguments persuasive, but it noted that the commercial featured the mother handing the child to the father at the beginning and the father saying "Let's not tell mum" to the child at the end. In this context, ASA found, "we considered the ad relied on the stereotype that men were unable to care for children as well as women and implied that the fathers had failed to look after the children properly because of their gender."

## DOJ Announces Guilty Plea in Mislabeled Crabmeat Case

816.559.2497  
[manstoetter@shb.com](mailto:manstoetter@shb.com)



**M. Katie Gates Calderon**  
816.559.2419  
[kgcalderon@shb.com](mailto:kgcalderon@shb.com)



**Lindsey Heinz**  
816.559.2681  
[lheinze@shb.com](mailto:lheinze@shb.com)



**James P. Muehlberger**  
816.559.2372  
[jmuehlberger@shb.com](mailto:jmuehlberger@shb.com)

### ABOUT SHOOK

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

The U.S. Department of Justice (DOJ) has announced that Phillip Carawan pleaded guilty to falsely labeling crabmeat worth \$4 million as a product of the United States despite being imported. Carawan and his company apparently could not meet customer demand and imported foreign crabmeat to cover orders for U.S.-produced crabmeat. “Seafood mislabeling is consumer fraud that undermines efforts of hardworking, honest fisherman and the free market by devaluing the price of domestic seafood,” the acting U.S. attorney for the Eastern District of North Carolina said in a DOJ press release. “In this case, the fraudulent scheme artificially deflated the cost of domestic blue crab and gave Carawan an unacceptable economic advantage over law-abiding competitors.”

## Minneapolis to Ban Drive-Thru Windows

The Minneapolis City Council has reportedly voted to ban the establishment of new drive-thru facilities within city limits. The ordinance does not affect existing restaurants, and businesses are permitted to alter or expand their drive-thrus. The law reportedly targets carbon emissions caused by idling cars.

---

### LITIGATION

## Honey Bunches of Oats Mislabeling Suit Dismissed

A Massachusetts federal court has dismissed a lawsuit alleging that Post Consumer Brands misleads consumers by implying that Honey Bunches of Oats is primarily sweetened with honey rather than sugar, brown sugar and corn syrup. *Lima v. Post Consumer Brands LLC*, No. 18-12100 (D. Mass., entered August 13, 2019). Post argued that “honey” describes “one of the cereal’s primary recognizable flavors” in addition to being a sweetener. “Plaintiffs seemingly understand that honey is both a sweetener and a flavoring agent,” the court found, “yet they do not explain why they concluded that the word honey and the associated imagery necessarily meant that honey was the primary sweetener, rather than referring to the flavor of the cereal.” Further, the court found that the packaging “makes no objective representation about the amount of honey, leaving the cereal’s accurate list of ingredients

Shook attorneys are experienced at assisting food industry clients develop early assessment procedures that allow for quick evaluation of potential liability and the most appropriate response in the event of suspected product contamination or an alleged food-borne safety outbreak. The firm also counsels food producers on labeling audits and other compliance issues, ranging from recalls to facility inspections, subject to FDA, USDA and FTC regulation.



as the only unambiguous representation of the amount of honey relative to other sweeteners.” Because the complaint was previously amended, the court granted the motion to dismiss without leave to amend.

SHB.COM

ATLANTA | BOSTON | CHICAGO | DENVER | HOUSTON | KANSAS CITY | LONDON  
LOS ANGELES | MIAMI | ORANGE COUNTY | PHILADELPHIA | SAN FRANCISCO  
SEATTLE | TAMPA | WASHINGTON, D.C.

The choice of a lawyer is an important decision and should not be based solely upon advertisements.

© Shook, Hardy & Bacon L.L.P. All rights reserved.

**[Unsubscribe](#) | [Forward to a Colleague](#) | [Privacy Notice](#)**