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A Call Your Mother trademark complaint, passage of a bill on whole milk in school lunches, a scientific research series on ultra-processed foods, and more.

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SPOTLIGHT ON ANIMAL HEALTH & AGRIBUSINESS

Federal Courts Consider Constitutionality of Restrictions on Foreign Land Ownership

By Associates [Payton R. Flower](#) and [Caitlin C. Robb](#)

Foreign land ownership in the United States has long been a contentious issue, with approximately 28 states as of the 2025 legislative session enacting laws to restrict such ownership. Today, laws restricting such ownership rights have resurfaced in the context of national security and geopolitical concerns, prompting a wave of state-level restrictions. While federal law—through frameworks like the Foreign Investment Risk Review Modernization Act (FIRRMA)—already regulates foreign investment near sensitive sites, states have

increasingly enacted laws limiting property purchases by individuals and entities from “countries of concern,” such as China, Russia, Iran and North Korea.

In 2023, Arkansas became the first state to enforce such laws with Arkansas Acts [636](#) and [174](#), restricting land ownership by entities tied to certain foreign countries and ordering Chinese-owned seed company Syngenta to divest farmland. Litigation followed in *Jones Eagle LLC v. Arkansas Department of Agriculture*, where a federal court issued an [injunction](#), citing constitutional concerns; the case is now on appeal to the Eighth Circuit.

Lawsuits in this area continue to be filed, including two recent federal district court cases in Texas and Florida. In *Shen v. Simpson*, pending in the Northern District of Florida and on appeal to the Eleventh Circuit, plaintiffs challenge Florida’s [SB 264](#), which restricts land ownership by nationals of certain foreign countries. The Eleventh Circuit granted a partial injunction, finding a “substantial likelihood of success” on claims that SB 264 is preempted by federal law governing foreign investment and may violate the Equal Protection Clause. The court emphasized potential conflicts with FIRRMA and noted that state-based alien land restrictions, once upheld under early 20th-century precedent, may no longer withstand constitutional scrutiny.

By contrast, *Wang v. Paxton*, filed in the Southern District of Texas, was dismissed for lack of standing. Plaintiffs sought to block Texas’ [SB 17](#), which prohibits property ownership by nationals from designated adversary countries. The court concluded that the law did not apply to the plaintiffs, who were legally residing in Texas, and therefore they could not demonstrate injury. This outcome underscores a key procedural hurdle in such challenges: plaintiffs must show imminent harm, which may be difficult when statutes include exemptions for lawful residents.

These laws and cases demonstrate the complicated interplay of interstate commerce and foreign investment, along with state restrictions that result in a patchwork of property regulations. Conversely, successful constitutional challenges may reaffirm federal supremacy in foreign affairs and investment regulation, limiting states’ ability to legislate in this domain. As more states adopt similar measures, the tension between national security concerns and

constitutional protections will likely intensify, setting the stage for eventual Supreme Court review.

Shook's [Animal Health and Agribusiness team](#) brings vast experience in litigation and regulatory matters to advocate for those who are passionate about serving in the animal health industry. To learn more about Shook's animal health and agribusiness capabilities, please contact Practice Co-Chairs [Joseph H. Blum](#), [Phil Goldberg](#) or [John F. Johnson III](#).

LEGISLATION, REGULATIONS & STANDARDS

U.S. Senate Passes Whole Milk Bill

The U.S. Senate has unanimously passed the [Whole Milk for Healthy Kids Act](#) (S. 222), a bill that would modify the requirements for milk provided by the National School Lunch Program of the U.S. Department of Agriculture. Current regulations require milk to be fat-free or low-fat; the bill would allow schools to offer whole and reduced-fat options. U.S. Rep. Glenn Thompson (R-Penn.), who sponsored a companion bill ([H.R. 649](#)) in the U.S. House of Representatives, celebrated the bill's passage in the Senate. "I look forward to passing the Whole Milk for Healthy Kids Act in the House and sending it to the President's desk to be signed into law," he said in a [statement](#).

FSIS to Hold Meeting on *Salmonella* in Poultry

The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) will hold a [public meeting](#) on January 14, 2026, on practical strategies for reducing *Salmonella* in poultry products. "Between 2017 to 2021, the number of chicken samples in which FSIS detected *Salmonella* decreased by more than 50%," the announcement states. "However, from 2021 to 2024, no further

significant reductions in *Salmonella* contamination have been observed for any type of poultry products sampled by FSIS. Given this plateau in contamination levels, FSIS is exploring how to further drive reductions in *Salmonella* contamination. Modern laboratory technologies, including methods to serotype and rapidly enumerate *Salmonella*, provide FSIS with opportunities to refine its current performance standard approach."

USDA to Revise Standards for Rice, Orange Juice

The Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture (USDA) has announced revisions to standards for [orange juice](#) as well as [rough rice](#), brown rice for processing and milled rice. The agency issued an interim final notice, effective November 18, 2025, revising Grade B Brix allowances in pasteurized orange juice. For the revised rice standards, AMS will accept comments on current research related to rice or industry standards until January 20, 2026. Questions the agency aims to answer include (i) whether rough rice, brown rice and milled rice that has an "aromatic" odor be "considered to have a commercially objectionable foreign odor" because "the aroma is not found in more traditional varieties of rice" and (ii) whether existing sample grade moisture limits for brown rice are acceptable.

LITIGATION

Jury Hits Beyond Meat With \$38.9M Verdict In Trademark Case

A federal jury in Massachusetts has awarded Vegadelphia Foods \$38.9 million in the company's trademark infringement lawsuit against Beyond Meat. [Sonate Corp. v. Beyond Meat, Inc.](#), No. 23-10690 (D. Mass., issued November 22, 2025). According to [Law360](#), Vegadelphia alleged Beyond Meat used "Great

Taste, Plant-Based" as a tagline, which Vegadelphia asserted was nearly identical to its 2015 trademarked phrase "Where Great Taste is Plant-Based." The jury awarded Vegadelphia Foods \$23.5 million in actual damages, plus \$15.4 million in disgorged profits for the willful infringement.

‘Call Your Mother’ Sues ‘Call Your Bubbi’

Washington, D.C., company Call Your Mother has filed a trademark infringement lawsuit against Bubbies Bagels LLC, a New Jersey coffee shop and deli. [*Call Your Mother Corp. v. Bubbies Bagels LLC*](#), No. 25-17661 (D.N.J., filed November 18, 2025). Call Your Mother asserts that it holds the exclusive rights to the "Call Your Mother" marks in the United States in connection with coffee, delicatessen and restaurant services and argues that Bubbies' use of "Call Your Bubbi" in retail, online and in marketing is likely to cause consumer confusion and deception. The plaintiff notes that in Jewish culture, the terms "Mother" and "Bubbi" both denote a caring and nurturing Jewish matriarch, adding that "Bubbi" commonly refers to a Jewish grandmother. "For Jewish delis—whose brand narratives often center on tradition, comfort, and family recipes—both marks evoke the same core idea—a warm and loving (but also somewhat instructive or scolding) prompt to call your mother or grandmother, and to grab some coffee and bagels while you are at it," the plaintiff said.

Consumers Sue Sara Lee Bread Maker For Preservative-Free Claims

Two New York women have filed a proposed class action alleging Bimbo Bakeries USA's Sara Lee breads claim to be preservative-free but contain citric acid, a known preservative. [*Pardo v. Bimbo Bakeries USA, Inc.*](#), No. 25-6368 (E.D.N.Y.). The complaint centers on the company's Artesano Bakery Bread products, which are marketed as "Always baked without artificial colors, flavors & preservatives," the plaintiffs allege. They assert that the representation is false

because the products contain citric acid, which is listed on the products' ingredient lists.

SCIENTIFIC / TECHNICAL ITEMS

Lancet Calls For More Research, Regulation of Ultra-Processed Foods

The Lancet has published a [three-article series](#) on ultra-processed foods (UPFs) and their effects on human health. In “[Ultra-processed foods and human health: the main thesis and the evidence](#),” scientists assessed three hypotheses: that the ultra-processed dietary pattern has displaced a long-established dietary pattern centered on whole foods; that the ultra-processed dietary pattern has degraded diet quality; and that the pattern increases the risk of multiple diet-related chronic diseases.

The study authors said systematic review of 104 prospective studies purportedly found 92 showing an association between the ultra-processed dietary pattern and increased risk of chronic disease outcomes. “Although more research is clearly warranted, the need for further evidence should not delay public health action,” they said. “Policies that promote and protect dietary patterns based on a variety of whole foods and their preparation as dishes and meals, and that discourage the production and consumption of UPFs, cannot be postponed.”

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More to Explore

- The November issue of [Material Concerns: Legal Updates on Substances of Emerging Concern](#) focused on PFAS destruction methods, national drinking water standards and more.

- Partner Cary Silverman has authored a [Washington Legal Foundation article](#) on Utah joining the growing number of states using negotiated charges rather than initial listed rates in lawsuits alleging medical damages.
- The previous issue of the [*Food and Beverage Litigation and Regulatory Update*](#) focused on a Ninth Circuit decision on bioengineered foods labeling, a state AG inquiry into grocery prices, an agreement in a New York "greenwashing" investigation, a lawsuit challenging the number of servings in a "Family Size" box, and more.

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