



December 10, 2019

**Testimony of ACLU of Wisconsin and the Good Food Institute
Opposed to Senate Bills 464, 463, 466 and Assembly Bills 518, 515, 516**

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Wisconsin, a non-partisan organization working to protect civil liberties—including free speech, and The Good Food Institute, an international nonprofit building a sustainable, healthy, and just food system. This package of bills (Senate Bills 464, 463, and 466) and their companion bills (Assembly Bills 518, 515, and 516) would create an unnecessary new crime in Wisconsin — making plant-based and cell-based meat labels punishable by jail time.

If each bill were to pass into law, plant-based and cultivated meat producers would be faced with a fine of \$100 to \$1,000 or up to six months of jail time for the first-time offense. For subsequent offenses, producers would be faced with a fine of \$500 to \$5,000 or 30 days to one year of jail time, or both.

Creating a new crime is unnecessary. Of course, no one is confused by soy milk or veggie burgers. Wisconsin farmers are [planting more soybeans than ever before](#) – a primary ingredient in many meat substitutes. And [cell-based meat](#) — which is real animal meat grown outside the animal in a tank called a cultivator — is not even on the market yet. Regardless, federal law already prohibits false or misleading labels.

Additionally, in March of this year, the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) released a [formal agreement](#) outlining how the agencies will work together to make sure that cell-based meat is safe and accurately labeled. The agreement makes it clear that labels of cell-based meat will have to be pre-approved by USDA, making this bill package completely pointless.

Finally, this package of bills would create a slippery slope likely to lead to costly litigation protecting a fundamental right to free speech. Since the 1980 Supreme Court decision in *Central Hudson*, courts have struck down censorship of commercial speech when the government is unable to demonstrate that the ban would directly advance a significant government interest. We are unaware of any interest that Wisconsin could have in banning the labels of soy milk or veggie burgers.

For these reasons, we respectfully urge you to reject this unconstitutional ban.