

Food for Thought: Organic Food Act Doesn't Preempt Certain State Law Mislabeling Claims

December 07, 2015

Quesada v. Herb Thyme Farms, Inc., 62 Cal.4th 298 (Cal. 2015)



On December 3, 2015, the California Supreme Court unanimously held that state law claims of intentional mislabeling of produce as organic are not preempted by the Organic Food Act of 1990 (7 U.S.C. §§ 6501-6522). In *Quesada v. Herb Thyme Farms, Inc.*, plaintiff alleged the “Fresh Organic” label was misleading because the packages include herbs processed from both USDA-certified organically processed farms as well as conventional non-organic farms. While the Organic Food Act regulates organic labeling, the California Supreme Court interpreted the Act’s mislabeling sanctions narrowly, finding that because Congress used express language preempting matters relating to organic product processing, but no similar “language of exclusivity” for organic labeling misuses, state law claims and remedies can survive. In fact, the court went a step further by finding such state law claims promote, rather than hinder, Congress’ intent to play a more peripheral role in food labeling oversight – a longstanding matter of local concern. Federal preemption has often been a defense to consumer class actions. The weakness of the Organic Food Act in not clearly preempting state law may be unique to that statute. But consumer goods manufacturers and distributors should expect more

fight over the federal preemption defense. Whether this ruling will be limited to just that federal act or will have broader implications remains to be seen. This new decision opens the door for other state law organic mislabeling claims. Consumer goods manufacturers should expect even more litigation over advertising statements—and review their labels with that in mind. Ultimately the U.S. Supreme Court will have the last word. *Read more significant court decisions affecting the food industry in [Food for Thought: 2015 Litigation Annual Review](#).*

Authored By



Mark A. Neubauer

Related Practices

[Mass Tort and Product Liability](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.