

## Should the Great Food Transformation be Fake-Meat Free? Considering Strategies for a Future of Food that is Kinder to People, Animals, and the Planet

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# **Should the Great Food Transformation be Fake-Meat Free? Considering Strategies for a Future of Food that is Kinder to People, Animals, and the Planet**

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## I. INTRODUCTION

*There is another world, but it is in this one.* - Paul Éluard

In 2019, former Trump White House adviser Sebastian Gorka infamously denounced advocates of the Green New Deal<sup>1</sup> with the pithy admonishment, “They want to take away your hamburgers.”<sup>2</sup> This rhetoric is ironic given that none of the politicians supporting the Deal have suggested widescale adoption of vegan diets, much less any laws or policies restricting the consumption of animal-based meat.<sup>3</sup> However, given our species’ broken relationship to food, perhaps they should. The 2019 EAT-Lancet Commission *Food in the Anthropocene* report laid bare the scope of our current global predicament, warning that “[g]lobal food production threatens climate stability and ecosystem resilience and constitutes the single largest driver of environmental degradation and transgression of planetary boundaries. Taken together the outcome is dire.”<sup>4</sup> The report argues that “global efforts are urgently needed to collectively transform diets and food production” and that, ultimately, “what is needed is rapid adoption of numerous changes and unprecedented global collaboration and commitment: nothing less than a Great Food Transformation.”<sup>5</sup>

This paper takes the science in the Lancet report as a given. It works from the premise that the animal agriculture industry is dangerous, not only because of its contribution to poor health, species extinction, and the climate crisis, but also because the industry represents a global system of unimaginable suffering and cruelty that—socially acceptable and legally sanctioned—exploits, oppresses, and commodifies billions of individuals, both human and nonhuman, every single year.<sup>6</sup>

1. Lisa Friedman, *What Is the Green New Deal? A Climate Proposal, Explained*, N.Y. TIMES, <https://www.nytimes.com/2019/02/21/climate/green-new-deal-questions-answers.html> (last visited Apr. 23, 2022).

2. Antonia Noori Farzan, *The Latest Right-Wing Attack on Democrats: ‘They Want to Take Away Your Hamburgers’*, WASH. POST (Mar. 1, 2019), <https://www.washingtonpost.com/nation/2019/03/01/latest-right-wing-attack-democrats-they-want-take-away-your-hamburgers/>.

3. *Id.*

4. Walter Willet, *The EAT-Lancet Commission Summary Report*, 5, <https://eatforum.org/eat-lancet-commission/eat-lancet-commission-summary-report>.

5. Walter Willet et. al., *Food in the Anthropocene: The EAT-Lancet Commission on Healthy Diets from Sustainable Food Systems*, 393 LANCET 447, 448 (Jan. 16, 2019), <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2931788-4>; see also *The FoodPrint of Beef*, FOODPRINT (Oct. 12, 2020), <https://foodprint.org/reports/the-foodprint-of-beef>.

6. See Andrew Jacobs, *Is Dairy Farming Cruel to Cows?*, N.Y. TIMES (Dec. 29, 2020), <https://www.nytimes.com/2020/12/29/science/dairy-farming-cows-milk.html> (In his article, Jacobs acknowledges some basic truths about the lives of cows born into the dairy industry: “Dairy cows are repeatedly impregnated by artificial insemination and have their newborns taken away at birth. Female calves are confined to individual pens and have their horn buds destroyed when they are about eight weeks old. The males are not so lucky. Soon after birth, they are trucked off to veal farms or cattle ranches where they end up as hamburger meat. The typical dairy cow in the United States will spend its entire life inside a concrete-floored enclosure, and although they can live 20 years, most are sent to slaughter after four or five years when their milk production wanes.”); see also Kelsey Piper, *Farms Have Bred Chickens So Large That They’re in Constant Pain*, VOX (Sept. 23, 2020), <https://www.vox.com/future-perfect/21437054/chickens-factory-farming-animal-cruelty-welfare>; Eric Schlosser, *America’s Slaughterhouses Aren’t Just Killing Animals*, THE ATLANTIC (May 12, 2020), <https://www.theatlantic.com/ideas/archive/2020/05/essentials-meatpacking-coronavirus/611437/>; Nicholas Kristof, *Abusing Chickens We Eat*, N.Y. TIMES (DEC. 3, 2014), <https://www.nytimes.com/2014/12/04/opinion/nicholas-kristof-abusing-chickens-we-eat.html>; Dylan Matthews & Byrd Pinkerton, *How Chicken Plants Became More Dangerous Places to Work than Coal Mines*, VOX (Oct. 7, 2020), <https://www.vox.com/future-perfect/21502225/chicken-meatpacking-plant-future->

Our current food system is broken. It is harming our planet, its animals, and ourselves. If ever there was a moment where science supported a coordinated global effort to bring forth a drastic change to our consumption habits in the form of a Great Food Transformation, this is it. But while there is broad agreement that change is needed, the *type* of change required—along with the speed at which we need to implement it and the steps needed to achieve it—are hotly contested. They shouldn't be. In 2019, a major UN report warned that there were only eleven years left to prevent irreversible damage from climate change.<sup>7</sup> It's 2022, meaning there's only eight years left. Slow, incremental change—less disruptive and thus easier to achieve—may be tempting to pursue, but it's not big enough or fast enough to meet the crises of our day.

Considering our current reality, with its threat of imminent climate collapse, mass species extinction,<sup>8</sup> and the widespread exploitation and suffering of billions of farm animals and countless aquatic animals, a huge shift away from animal-based food toward plant-based food is surely required: eating animals is an outdated practice that causes more harm than good according to virtually every conceivable metric. “A vegan diet is probably the single biggest way to reduce your impact on planet Earth,” said Joseph Poore of Oxford University.<sup>9</sup> “It is far bigger than cutting down on your flights or buying an electric car.”<sup>10</sup>

To be sure, achieving this kind of paradigm-shifting change won't be easy: there is resistance on both sides of the mainstream political spectrum. The Biden administration hasn't signaled any meaningful interest in adopting laws or policies aimed at reducing meat and dairy consumption. Indeed, Agriculture Secretary Tom Vilsack told a room full of journalists in 2021 that “There's no desire, no effort, no press release, no policy paper—none of that—that would support the notion that the Biden administration is going to suggest that people eat less meat.”<sup>11</sup>

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perfect-podcast; Amy J. Fitzgerald et al, *Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from “The Jungle” Into The Surrounding Community*, *ORG. & ENV'T* 1, 8, 10 (2009), [http://www.animalstudies.msu.edu/Slaughterhouses\\_and\\_Increased\\_Crime\\_Rates.pdf](http://www.animalstudies.msu.edu/Slaughterhouses_and_Increased_Crime_Rates.pdf); Tom Philpott, *Refugees Make Your Dinner. Literally*, *MOTHER JONES* (Jan. 31, 2017), <https://www.motherjones.com/environment/2017/01/meat-industry-refugees-trump/>; See LastWeekTonight, *Meatpacking: Last Week Tonight with John Oliver*, *YOUTUBE* (Feb. 22, 2021), <https://www.youtube.com/watch?v=IhO1FcjDMV4&feature=share> (John Oliver did a segment called *Meatpacking* in February 2021 in which he heighted the many harms facing workers in the animal agriculture industry.).

7. See Darryl Fears, *One Million Species Face Extinction, U.N. Report Says. And Humans Will Suffer as a Result.*, *THE WASH. POST* (May 6, 2019), [https://www.washingtonpost.com/climate-environment/2019/05/06/one-million-species-face-extinction-un-panel-says-humans-will-suffer-result/?utm\\_term=.6aa89851995](https://www.washingtonpost.com/climate-environment/2019/05/06/one-million-species-face-extinction-un-panel-says-humans-will-suffer-result/?utm_term=.6aa89851995); see *Intergovernmental Sci.-Pol'y Platform on Biodiversity &and Ecosystem Serv (IPBES), Nature's Dangerous Decline 'Unprecedented' Species Extinction Rates 'Accelerating'*, U.N. PRESS RELEASE (May 6, 2019), [https://www.washingtonpost.com/context/ipbes-global-report-species-extinction-rate-is-accelerating/f724e478-da85-4e89-83f9-f663c496f08c/?utm\\_term=.2a5ef9c6cc2c](https://www.washingtonpost.com/context/ipbes-global-report-species-extinction-rate-is-accelerating/f724e478-da85-4e89-83f9-f663c496f08c/?utm_term=.2a5ef9c6cc2c) [hereinafter U.N. Press Release].

8. Eric Levitz, *Humanity Is About to Kill 1 Million Species in a Globe-Spanning Murder-Suicide*, *INTELLIGENCER* (May 6, 2019), <https://nymag.com/intelligencer/2019/05/un-report-humans-are-driving-1-million-species-extinct.html>.

9. Damian Carrington, *Avoiding Meat and Dairy Is 'Single Biggest Way' to Reduce Your Impact on Earth*, *THE GUARDIAN* (May 31, 2018), <https://www.theguardian.com/environment/2018/may/31/avoiding-meat-and-dairy-is-single-biggest-way-to-reduce-your-impact-on-earth>.

10. *Id.*

11. Charles Passy, *Should You Pay A 'Meat Tax' on Your Burger? Some Environmentalists Say It's A Necessary Step to Save the Planet.*, *MARKET WATCH* (Nov. 6, 2021),

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Despite the challenges—and there are many—those seeking to reimagine the future of food must not despair. While there are no silver bullets, there are a range of strategies that can be pursued in tandem that, in the aggregate, may provide a winning recipe for a new relationship between us and the food we eat. Some of them—from taxing meat to subsidizing plant-based foods to implementing Graphic Warning Labels (“GWLs”) on food—are designed to make plant-based foods cheaper, more accessible, and more desirable than meat and dairy. Others—like training and supporting former animal agriculture workers to ensure they have the skills and opportunities to shift careers and allocating funding toward public education and innovation initiatives to promote plant-based food—are designed to make a significant cultural shift both possible and achievable in our lifetimes.

Given the twin horrors of widescale animal exploitation and the threat of imminent climate collapse, there is no room for animals on our plates in the future,<sup>12</sup> a trickier question is whether we should dedicate space on our plates for vegan meat—what this essay’s title somewhat jokingly refers to as “fake meat.” Vegan meat can take many forms, from futuristic lab-grown “cultured” or “cellular” meat to trendy “bleeding” veggie burgers designed to replicate the mouthfeel and overall emotional and psychological experience of eating a slaughtered animal. Ultimately, this essay argues, incrementally replacing animal-derived meat with plant-based or cultured meat may not go far or fast enough to achieve a Great—Vegan—Food Transformation. What’s needed instead is for us as a species to boldly and consciously choose to collectively “take away our hamburgers” by rejecting food that perpetuates outdated cultural norms and choosing instead to nourish ourselves in a way that represents a global food culture unrecognizable from the broken one we inhabit today.

## II. ACHIEVING A GREAT—VEGAN—FOOD TRANSFORMATION

To achieve a Great Food Transformation that embraces plants and leaves eating animals in the past, our relationship with food must shift. A glance around a typical American grocery store illustrates that our food culture is already in flux: a range of plant milks sits alongside dairy milk, and Beyond burgers can be found next to the ground beef. Once relegated to the shelves of specialty markets and health food stores, vegan food has gone mainstream. But between the current climate emergency, threat of mass species extinction, and the sheer scale of suffering and exploitation perpetuated by the animal agriculture industry, consumers can no longer make a casual choice between dairy and oat milk for their cereal, or between vegan Beyond burgers and beef for their cookouts. Bigger, faster, more widescale change is needed.

This is where laws and policies can come into play. While the interplay between policy change and cultural change is complicated, the former can play a role in shaping and facilitating the latter. Human attitudes and behavior are ever evolving and can be influenced by laws and policies that deter certain behaviors and encourage others. There are no silver bullets, but this essay explores a range of law

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<https://www.marketwatch.com/story/a-big-tax-on-a-big-mac-some-say-its-time-to-consider-meat-taxes-to-reduce-beef-consumption-and-help-the-environment-11635801472>.

12. See generally PLANT BASED TREATY, <https://plantbasedtreaty.org/the-pbt/> (last visited Apr. 23, 2022).

and policy changes that, when pursued in tandem and in the aggregate may trigger a widespread cultural shift in our food culture.

The eight changes explored below are as follows:

- Taxing meat and dairy
- Removing existing meat and dairy subsidies
- Restricting meat and dairy advertising
- Requiring Graphic Warning Labels that communicate data about food's impact on the environment, animal exploitation, human health, and labor conditions
- Subsidizing fruit and vegetables
- Encouraging livestock farmers' "transformation" and providing training and job opportunities to former animal agriculture industry workers
- A global commitment to creating funding for people and organizations with innovative ideas for how to transform food culture on local, regional, national, and international scales
- Changing the way young people think about food

The eight ideas presented below are part of the path to achieve the Great—Vegan—Food Transformation that our planet, its animals, and our health so desperately need. The future of food—and the future of our planet—depends on it.

### A. *Taxing meat and dairy*

Governments have a range of tried-and-true tricks up their sleeves to discourage people from undesirable behaviors. Taxes are high on the list. The effectiveness of excise taxes in the form of so-called "sin taxes" "is fairly well-established," explains Professor Franco Sassi, a scholar who has written on the subject.<sup>13</sup> "On tobacco and alcohol," he says, "we have had evidence for many years that showed that basically, people do react to the changes in price that the taxes cause and reduce their consumption as a result."<sup>14</sup> If it's powerful enough to disincentive people from the highly addictive behavior of smoking, why not use a tax to disincentivize animal-eating?<sup>15</sup>

13. Leslie Young, *Sin Taxes Work and Don't Disproportionately Harm the Poor*, *Study Says*, GLOBAL NEWS (Apr. 4, 2018), <https://globalnews.ca/news/4123758/sin-taxes-work-and-dont-disproportionately-harm-the-poor-study-says>.

14. *Id.*

15. See Julia Kagan, *Excise Tax*, INVESTOPEDIA (Apr. 28, 2020), <https://www.investopedia.com/terms/e/excisetax.asp#:~:text=Excise%20taxes%20are%20primarily%20for,to%20consumers%20through%20higher%20prices> (Additional research is needed to identify what specific sort of taxation scheme would be most effective: one that taxes meat producers, one that

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It's not just PETA who is calling for a meat (and dairy) tax.<sup>16</sup> In recent years, academics and policymakers around the globe are also promoting meat taxes,<sup>17</sup> and have broad consumer support in many countries—particularly if the funds raised via the tax would be used to reduce the cost of fruit and vegetables, support farmers, and increase animal welfare.<sup>18</sup>

Several researchers have closely examined the benefits of a meat and dairy tax on the environment, animal welfare, and our health. In 2016, team of researchers at Oxford University concluded that surcharges of 40% on beef and 20% on milk “would account for the damage their production causes people via climate change,” and “would then deter people from consuming as much of these foods, reducing both emissions and illness.”<sup>19</sup> In 2018, a team of researchers from the Toulouse School of Economics argued for a tax on beef specifically, finding that “a relatively steep tax, based on greenhouse gas emissions, would raise the retail price of beef by about 40 percent and cause a corresponding drop in consumption, much like the sugar tax on sodas and the tax on tobacco products.”<sup>20</sup>

Politicians in several European countries have joined the call for a tax on meat. In 2019, German politicians from multiple political parties proposed raising the value added tax (VAT) on meat from the current reduced rate of 7% to the standard rate of 19%.<sup>21</sup> Some called for the funds raised via the higher tax to be spent on animal welfare, while others argued it should be used to “support livestock farmers to help them restructure.”<sup>22</sup> As of March 2022, Germany has not yet increased the

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taxes the consumer, or perhaps both. Excise taxes are typically paid by businesses, who then pass the tax on to consumers through higher price).

16. *Tax Meat*, PETA, <https://www.peta.org/features/tax-meat/> (last visited Apr. 23, 2022); see Passy, *supra* note 11 (PETA President Ingrid Newkirk said the organization has been calling for a meat tax since the early 2000s. “You can’t be a meat-eating environmentalist,” she said).

17. *Increasing Number of Countries Start Taxing Meat and Dairy*, TRUE ANIMAL PROTEIN PRICE COALITION (Oct. 8, 2021), <https://www.tappcoalition.eu/nieuws/16831/increasing-number-of-countries-start-taxing-meat-and-dairy->; *Tax Meat*, *supra* note 16 (“The Livestock Levy, a white paper published by the investment group Farm Animal Investment Risk & Return, reports that ‘over 180 countries now impose a tax on tobacco, 60 jurisdictions tax carbon and at least 25 tax sugar’ and that meat taxes have been considered in Denmark, Germany, and Sweden.”); see also Brian Kateman, *Is A Meat Tax A Good Idea?*, FORBES (Aug. 27, 2019), <https://www.forbes.com/sites/briankateman/2019/08/27/is-a-meat-tax-a-good-idea/?sh=68c69d542d3a>.

18. Flora Southey, *Meat Tax Backed by Western Europeans If Revenues Subsidise Fruit and Veg*, FOOD NAVIGATOR (Jan. 27, 2021) <https://www.foodnavigator.com/Article/2021/01/27/Meat-tax-German-French-and-Dutch-consumers-support-price-hikes> (“[Survey results indicate that] 70% of German, French, and Dutch consumers said they support a meat tax . . . if tax revenue are used to reduce VAT on vegetables and fruit, support farmers for sustainability and animal welfare improvements, and compensate low income groups.”) (Meanwhile, using funds from meat taxes to subsidize the cost of fruits and vegetables may seem to create a perverse incentive, in that meat sales will be continually needed in order to subsidize plant-based food. However, it need not be the case. If meat sales decrease dramatically and no longer provide sufficient funds to subsidize plant-based food, other sources of funding for that subsidization can be identified).

19. Damian Carrington, *Tax Meat and Dairy to Cut Emissions and Save Lives, Study Urges*, THE GUARDIAN (Nov. 7, 2016), <https://www.theguardian.com/environment/2016/nov/07/tax-meat-and-dairy-to-cut-emissions-and-save-lives-study-urges>.

20. Richard Conniff, *The Case for a Carbon Tax on Beef*, N.Y. TIMES (Mar. 17, 2018), <https://www.nytimes.com/2018/03/17/opinion/sunday/carbon-tax-on-beef.html>; see also *Where's the Beef?*, TOULOUSE SCHOOL OF ECONOMICS (July 1, 2018), <https://www.tse-fr.eu/wheres-beef>.

21. *Germany: 'Meat Tax' on the Table to Protect the Climate*, DW (July 8, 2019), <https://www.dw.com/en/germany-meat-tax-on-the-table-to-protect-the-climate/a-49924795>.

22. *Id.*

VAT on meat, but it continues to be a topic of discussion.<sup>23</sup> Denmark and Sweden have also recently considered imposing some form of meat tax.<sup>24</sup>

While the idea may be gaining traction, the reality is that meat taxes in Europe haven't yet taken hold.<sup>25</sup> Moreover, argues *The Atlantic* journalist James Hamblin, meat taxes “would seem extremely unlikely in the United States, which has removed itself from a position of leadership in the global attack on climate change, and which subsidizes meat production rather than taxing it.”<sup>26</sup> Vox journalist Sigal Samuel agrees, arguing that “it’s hard to imagine a meat tax getting off the ground anytime soon in this country, where meat has become entwined with national identity[.]”<sup>27</sup>

Resistance to meat and dairy taxes is political. Rob Bailey, research director at UK thinktank Chatham House, explained that “in many countries there is a very strong public health and climate case for dietary change, but it isn’t happening. Governments are reluctant to ‘interfere’ in people’s lifestyle choices for fear of a public backlash and criticism for ‘nanny statism,’ as well as the reaction from powerful interests in the food industry and agricultural lobby.”<sup>28</sup>

Government resistance to meat taxes may be misplaced. Research out of Chatham House indicates that the public would tolerate a meat tax because “people expect governments to lead action on issues that are for the global good. [Chatham House] research indicates any backlash to unpopular policies would likely be short-lived as long as the rationale for action was strong.”<sup>29</sup> Meanwhile, Hamblin doesn’t think a meat tax has to be met with the traditional ire that has accompanied other sin taxes. While taxes on items like soda “are usually attacked on grounds of infringement on personal liberty,” Hamblin argues that “[m]eat taxes could be the opposite.”<sup>30</sup> “The person who eats 400 pounds of animal meat every year is treading on the environment for others, and so a meat tax could be implemented as a matter of protecting personal liberty.”<sup>31</sup> In other words, Hamblin argues, eating meat “wouldn’t be illegal, but people who choose to do it would have to pay for the imposition of their choices on others.”<sup>32</sup>

Ultimately, the benefits of a tax on meat and dairy far outweigh any risk, whether real or imaged. As Marco Springmann, a supporter of the meat tax from

23. William Nehra, *Greenpeace Calls for Higher VAT on Meat Products in Germany*, I AM EXPAT (Jan. 8, 2022), <https://www.iamexpat.de/expat-info/german-expat-news/greenpeace-calls-higher-vat-meat-products-germany>.

24. *Increasing Number of Countries Start Taxing Meat and Dairy*, *supra* note 17; see also Sigal Samuel, *We Put a “Sin Tax” on Cigarettes and Alcohol. Why Not Meat?*, Vox (Aug. 11, 2019), <https://www.vox.com/future-perfect/2019/8/11/20798683/meat-sin-tax-climate-change-animal-welfare-germany>.

25. Sandra Laville, *UK Meat Tax and Frequent-Flyer Levy Proposals Briefly Published Then Deleted*, THE GUARDIAN (Oct. 20, 2021), <https://www.theguardian.com/environment/2021/oct/20/meat-tax-and-frequent-flyer-levy-advice-dropped-from-uk-net-zero-strategy>.

26. James Hamblin, *The Environmental Case for a Meat Tax*, THE ATLANTIC (Dec. 15, 2017), <https://www.theatlantic.com/health/archive/2017/12/should-meat-cost-more-than-gold/548264/>; see also James Hamblin, *If Everyone Ate Beans Instead of Beef*, THE ATLANTIC (Aug. 2, 2017), <https://www.theatlantic.com/health/archive/2017/08/if-everyone-ate-beans-instead-of-beef/535536>.

27. Samuel, *supra* note 24.

28. Carrington, *supra* note 19.

29. *Id.*

30. *The Environmental Case for a Meat Tax*, *supra* note 26.

31. *Id.*

32. *Id.*

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the Oxford Martin Programme on the Future of Food, put it plainly: “Either we have climate change and more heart disease, diabetes and obesity, or we do something about the food system.”<sup>33</sup>

### B. Removing existing meat and dairy subsidies

While imposing taxes on meat and dairy is almost certainly a key ingredient in the recipe for a Great Food Transformation, a critical first step is removing the current subsidies that artificially reduce the cost of animal-based food. After all, current subsidies give meat and dairy an unfair advantage over plant-based foods.

The United States federal government spends roughly \$38 billion each year to subsidize the meat and dairy industries, and only 0.04% of that amount—roughly \$17 million—to subsidize fruits and vegetables.<sup>34</sup> Considering the damage meat and dairy do to our health, the planet, and the animals whose lives are bound up in the animal agriculture industry, this reality is utterly nonsensical. That said, the power held by the animal agriculture industry in the US means that removing long-established subsidies will be no easy task. But it must be done. In *Removing the Meat Subsidy: Our Cognitive Dissonance Around Animal Agriculture*, scholar Christina Sewell argues that “while big agriculture has significant lobbying power and political clout to deter elected officials from [removing meat subsidies], this does not diminish the ethical necessity of pushing for change.”<sup>35</sup>

As journalist James Hamblin did in analyzing the public’s likely opposition to a meat tax, Sewell points out that some people may perceive the removal of subsidies for meat and dairy—which would increase the cost of these foods—as “an infringement on their personal liberty.”<sup>36</sup> Like Hamblin, Sewell counters that argument by “urg[ing] people in this camp to consider it a matter of *protecting* one’s free will. After all,” argues Sewell, “eating meat and other animal-derived products would not be made illegal, but those who choose to consume them would be paying for the more accurate, divorced-from-government cost of their inputs and externalities which affect the health of everyone, to include the consumer and the planet at large.”<sup>37</sup>

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33. Carrington, *supra* note 19; see also *3 Reasons a Meat Tax is a Good Idea*, ECOWATCH (Jan. 29, 2018), <https://www.ecowatch.com/meat-tax-us-2529634937.html>; but see Jane Byrne, *Meat Tax Could Do More Harm Than Good*, FEED NAVIGATOR (July 28, 2021), <https://www.feednavigator.com/Article/2021/07/28/Meat-tax-could-do-more-harm-than-good>.

34. Indira Joshi et al., *Saving the Planet: The Market for Sustainable Meat Alternatives*, SUTARDJA CENTER FOR ENTREPRENEURSHIP & TECHNOLOGY (Nov. 10, 2015), <https://scet.berkeley.edu/wp-content/uploads/CopyofFINALSavingThePlanetSustainableMeatAlternatives.pdf> (The Factory Farming Awareness Coalition explains that “[i]n the United States, our dietary choices are influenced by government policies that affect the cost and availability of food. Unfortunately, most taxpayer-funded subsidies go toward factory-farmed animal products at the expense of our collective health.”); Cassandra Zimon, *Why Your Salad Costs More Than a Burger: The Truth About Government Subsidization of the Meat & Dairy Industries*, FACTORY FARMING AWARENESS COALITION (Jan. 20, 2021), <https://ffacoalition.org/articles/factory-farming-subsidies>; see also Ethics Insiders, *Should Governments Subsidize The Meat and Dairy Industries?*, MEDIUM (Dec. 19, 2016), <https://medium.com/@laletur/should-governments-subsidy-the-meat-and-dairy-industries-6ce59e68d26>.

35. Christina Sewell, *Removing the Meat Subsidy: Our Cognitive Dissonance Around Animal Agriculture*, JOURNAL OF INTERNATIONAL AFFAIRS (Feb. 11, 2020), <https://jia.sipa.columbia.edu/removing-meat-subsidy-our-cognitive-dissonance-around-animal-agriculture>.

36. *Id.*

37. *Id.*

Ultimately, Sewell argues, the continued lack of political will or consumer pressure to end existing subsidies on animal-based food is grounded in “our cognitive dissonance around meat consumption” and “calls into question decades-long American cultural norms of meat consumption and the symbiotic relationship between industry and policy-makers.”<sup>38</sup>

No Great Food Transformation can take place when the government facilitates artificially low prices for meat and dairy. The future of food should be one where animal-based food is all but gone from our diets. For those unwilling to give up eating animals completely, meat and dairy should be viewed the way we view luxury products like saffron or truffle oil today: as a rare and expensive delicacy that should be consumed only on occasion and in very small quantities. By removing subsidies and imposing a meat and dairy tax, we can begin this necessary shift in our collective cultural mindset around food.

### C. Restricting meat and dairy advertising

The last televised cigarette ad in the United States aired during *The Johnny Carson Show* on January 1, 1971 at 11:50 p.m.<sup>39</sup> The end of televised cigarette advertising was the result of President Richard Nixon signing the Federal Cigarette Labeling and Advertising Act into law several months prior.<sup>40</sup> The Act, which bans cigarette ads on television and radio, was designed “to establish a comprehensive Federal Program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health[.]”<sup>41</sup> Specifically, the Act is meant to ensure that “the public may be adequately informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement of cigarettes[.]”<sup>42</sup>

Not only is there no federal policy aimed at ensuring that the public is adequately informed about any adverse health—or environmental—effects of meat-eating and dairy-drinking, but the US government has been actively entangled with the promotion of these products for decades. Take beef for example: under the Beef Promotion and Research Act, Congress explicitly recognizes that “the production of beef and beef products plays a significant role in the Nation’s economy;” that “beef and beef products should be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;” and that “the maintenance and expansion of existing markets for beef and beef products are vital to the welfare of beef producers and those concerned with marketing, using, and producing beef products, as well as to the general economy of the Nation[.]”<sup>43</sup>

38. *Id.*; see also *The Feed-Meat Complex: Unpacking the Truth About How Big Meat Pockets Billions in Farm Subsidies*, FARM ACTION (Nov. 16, 2020), <https://farmaction.us/2020/11/16/thefeedmeatcomplex>.

39. *This Day in History: April 1, 1970: President Nixon Signs Legislation Banning Cigarette Ads on TV and Radio*, HISTORY, <https://www.history.com/this-day-in-history/nixon-signs-legislation-banning-cigarette-ads-on-tv-and-radio>.

40. *Id.*; see also Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331-1341.

41. Federal Cigarette Labeling and Advertising Act, 15 U.S. Code § 1331.

42. *Id.*

43. Beef Promotion and Research Act, 7 U.S.C. § 2901(a) (1)-(4); see also 7 CFR Subpart A (“The Beef Promotion and Research Act (the Act) was passed as part of the 1985 Farm Bill and provides the mission and the base for development of a producer-funded beef promotion and research program — the Beef Checkoff Program — aimed at building demand for beef and beef products, both domestically and

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Far from restricting advertising about beef, the US government has extensive structures in place to support it. The Beef Promotion and Research Act creates a framework for the “Beef Checkoff Program” that is overseen by the USDA and that is “aimed at building demand for beef and beef products, both domestically and internationally.”<sup>44</sup> The Secretary of Agriculture oversees the Beef Checkoff program—along with 21 other checkoff programs for other commodities—and typically has pre-approval authority over “any and all promotion, advertising, research, and consumer information plans and projects” that are implemented by qualified state beef councils (“QSBCs”).<sup>45</sup>

In 2021, the Ninth Circuit Court of Appeals determined that the government’s entanglement with beef advertising extends even further, holding that even beef advertising *not* subject to pre-approval by the Secretary of Agriculture also constitutes public—and therefore governmental—speech.<sup>46</sup> Explaining that “[t]he critical question in determining whether speech is public or private is whether the speech is ‘effectively controlled’ by the government,”<sup>47</sup> and noting that “[t]he Beef Act’s implementing regulations require that all third-party speech ‘strengthen the beef industry’s position in the marketplace,’” the Ninth Circuit held that “[t]hird-party speech not subject to pre-approval is [ ] ‘effectively controlled’ by the government[.]”<sup>48</sup> In other words, third-party advertising paid for by QSBCs constitutes public speech because “the message is firmly established by the federal government.”<sup>49</sup>

Given the centrality of slogans like “*Beef: It’s What’s For Dinner*” and “*Pork: The Other White Meat*” in American food culture, and the fact that these slogans were developed through “checkoff programs” that are overseen by the Agricultural Marketing Service (“AMS”) at the US Department of Agriculture, it’s currently impossible to untangle the US government from the explicit promotion of meat and dairy.<sup>50</sup> To achieve a Great Food Transformation, that has to change.

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internationally. The Act authorized the U.S. Department of Agriculture to develop a Beef Promotion and Research Order covering specifics of the program’s operation. Making amendments to the Act requires U.S. congressional action and, ultimately, a producer referendum with a majority favoring the change.”); *Beef Act & Order*, BEEFBOARD.ORG, <https://www.beefboard.org/beef-act-and-order/> (last visited Apr. 23, 2022).

44. *Beef Act & Order*, *supra* note 43.

45. *Ranchers Cattlemen Action Legal Fund United Stockgrowers of America v. Vilsack*, 6 F.4th 983, 986 (9th Cir. 2021) (The Secretary “oversees the beef checkoff program through the Cattlemen’s Beef Promotion and Research Board,” and QSBCs can use checkoff funds to “hire private third parties to produce advertisements and other promotional materials.”).

46. *Ranchers Cattlemen*, 6 F.4th at 989-90.

47. *Id.* at 987 (citing *Johanns v. Livestock Mktg. Ass’n*, 544 U.S. 550, 560, (2005)).

48. *Id.* at 989 (Reasoning that “Congress expressly contemplated the participation of third parties in the beef checkoff program, designating several “established national nonprofit industry-governed organizations” with whom the Operating Committee could contract to “implement programs of promotion.”); 7 U.S.C. § 2904(6)).

49. *Ranchers Cattlemen*, 6 F.4th at 990.

50. See *Research & Promotion Programs*, USDA AGRICULTURAL MARKETING SERVICE <https://www.ams.usda.gov/rules-regulations/research-promotion> (last visited Apr. 23, 2022) (“Since 1966, Congress has authorized industry-funded research and promotion (R&P) boards to provide a framework for agricultural industries to pool their resources and combine efforts to develop new markets, strengthen existing markets and conduct important research and promotion activities. The Agricultural Marketing Service (AMS) provides oversight, paid for by industry assessments, which helps ensure fiscal accountability and program integrity.”).

For a Great Food Transformation to be successful, the US government should find inspiration from the Federal Cigarette Labeling and Advertising Act, which more than half a century ago drew a line in the sand and restricted cigarette advertising in the name of the public good.<sup>51</sup> The government needs to stop promoting animal-based food through government speech, and needs to instead use its speech to inform the public about the many harms these foods pose to society. Government should also use its speech to affirmatively promote the myriad benefits plant-based foods offer to people, animals, and the planet.<sup>52</sup>

*D. Requiring Graphic Warning Labels that communicate data about food's impact on the environment, animal exploitation, human health, and labor conditions*

Governments around the world have long been aware of the power of graphic warning labels (“GWL”): over 100 nations use them on cigarette packages to deter people from smoking.<sup>53</sup> Why not leverage the behavior-changing power of GWLs to deter people from eating animals too?

University of Oxford professor Joseph Poore has already proposed mandatory food labeling to communicate each item’s environmental impact.<sup>54</sup> But the labels that Poore envisions are “emotionally neutral” in appearance, making use of red, orange, and green shapes to indicate how well a product scores on a variety of metrics such as water consumption, emissions, pesticide toxicity, and impact on biodiversity.<sup>55</sup> There’s a reason for the “graphic” in GWLs: people aren’t always rational when it comes to their behavior, so combining facts with memorable and emotionally-laden images packs a greater behavior-changing punch than words or charts alone.<sup>56</sup>

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51. While the Federal Cigarette Labeling and Advertising Act restricted advertising made by private tobacco companies, this essay advocates specifically for the government to stop promoting animal-based food through government speech.

52. Sewell, *supra* note 35 (Christina Sewell argues that “[t]he Department of Health and Human Services should work with our elected officials and diverse groups of plant-based food experts to carry out a public education campaign emphasizing a turn toward sustainable and healthy food production and consumption.” She points out that “[f]or many cultures, meat is a prominent ingredient, which has resulted in some efforts to reduce its consumption being regarded as an appropriation of ethnic recipes. However, by prioritizing input from people in the communities that campaign literature is directed toward, such efforts can celebrate plant-based recipes for varied cuisines in a manner that is inclusive and sensitive toward cultural considerations.”); Natasha Brooks, *If the Government Subsidized Fresh Produce (Like Meat and Dairy) We Could Save Over 250,000 Lives*, ONEGREENPLANET (2017) <https://www.onegreenplanet.org/news/government-subsidies-for-produce-save-lives> (Research predicts that “if media campaigns promoted fruit and vegetable consumption, 25,800 CVD-related deaths could be prevented or postponed in the U.S. by 2030.”).

53. See, e.g., Minsoo Jung, *Implications of Graphic Cigarette Warning Labels on Smoking Behavior: An International Perspective*, 21 J. CANCER PREV. 21, 2 (2016).

54. Joseph Poore, *We Label Fridges to Show Their Environmental Impact – Why Not Food?*, THE GUARDIAN (Oct. 10, 2018), <https://www.theguardian.com/environment/2018/oct/10/we-label-fridges-to-show-their-environmental-impact-why-not-food>.

55. *Id.*

56. See Iselin Gambert, *I Want You to Panic: Leveraging the Rhetoric of Fear and Rage for the Future of Food*, 17 J. FOOD LAW & POLICY 41, 50 (2021). Specifically, that article explained the following: “A 2018 report from Australia titled *Evaluation of effectiveness of graphic health warnings on tobacco product packaging* showed that GWLs were good at “attracting attention and being noticed,” with the most common descriptions of the labels being that they contained “gross/ ugly/ disgusting/ bad/ confronting/ graphic pictures.” The report found that GWLs “are remembered and encoded in memory,”

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Not only should food—both plant-based and animal-based—be labeled with GWLs to show each item’s environmental impact, but the labels should go further still, communicating each food’s impact on human health, animal well-being and exploitation, and worker conditions. In this way, people will be confronted with critical behavior-changing—and thus culture-shaping—information and imagery at the moment it matters most—when they are in the grocery store aisle deciding what to put in their cart.<sup>57</sup>

No matter how provocative or disturbing, GWLs won’t persuade everyone to stop eating animals. A tax on meat and dairy combined with subsidies on plant-based food are other essential policies needed to disincentivize animal-eating and encourage a shift to plant-eating on a broad scale.

### *E. Subsidizing fruit and vegetables*

In envisioning a Great Food Transformation, healthy plant-based food should not cost more than unhealthy, environmentally destructive, and animal-exploiting meat and dairy. And yet, a meta-analysis conducted by the Harvard School of Public Health (“HSPH”) in 2013 found that the healthiest diets—rich in fruits, vegetables, and nuts—cost about \$1.50 more per day than the least healthy diets that were rich in processed foods and meat.<sup>58</sup> This seemingly small number adds up to roughly \$550 per person per year—a significant amount that may put healthy plant-based eating out of reach to many.

It doesn’t have to be this way. As Washington Post journalist Tamar Haspel argued,

Read the farm bill, and a big problem jumps right out at you: Taxpayers heavily subsidize corn and soy, two crops that facilitate the meat and processed food we’re supposed to eat less of, and do almost nothing for the fruits and vegetables we’re supposed to eat more of. If there’s any obligation to spend the public’s money in a way that’s consistent with that same public’s health, shouldn’t it be the other way around?<sup>59</sup>

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with roughly 70% of people being able to “describe one of the graphics or messages when asked what pictures they could recall on packaging.” Some images proved more memorable than others, but on the whole people’s “[r]ecall of written health warnings was considerably lower than recall of the graphics,” with only 39% of people being able to recall a written warning. Graphic images have the added benefit of communicating effectively to people with low literacy, as well as to immigrants who are not yet able to read the national language(s). Further, research also shows that health information on cigarette labels is conveyed better when that information is were combined with GWLs. Thus, combining written messages with a graphic image that evokes negative emotions is likely to elicit the strongest response among consumers.”

57. See *Research Into the Impact of Tobacco Advertising*, STANFORD UNIVERSITY (June 4, 2021), [https://tobacco.stanford.edu/ad\\_tags/arteries](https://tobacco.stanford.edu/ad_tags/arteries) (Proponents of Graphic Warning Labels on cigarette packages recognize that “People are more likely to see an anti-smoking message if it is present in the form of a label right on the outside of the cigarette box they are holding,” which is why they are particularly effective).

58. *Eating healthy vs. Unhealthy Diet Costs About \$1.50 More Per Day*, HARVARD T.H. CHAN SCHOOL OF PUBLIC HEALTH (Dec. 5, 2013), <https://www.hsph.harvard.edu/news/press-releases/healthy-vs-unhealthy-diet-costs-1-50-more>.

59. Tamar Haspel, *Farm Bill: Why Don’t Taxpayers Subsidize the Foods That Are Better For Us?*, WASH. POST (Feb. 18, 2014), <https://www.washingtonpost.com/lifestyle/food/farm-bill-why-dont->

Currently, “[e]fforts to subsidize healthy food have been much less prominent than initiatives to tax unhealthy food.”<sup>60</sup> But these initiatives can and should go hand in hand—and consumers want them to. When asked how revenue from a meat tax should be used, 41% of consumers surveyed wanted it used to reduce the VAT on fruit and vegetables to as close to 0% as possible.<sup>61</sup> Subsidizing fruit and vegetables, while simultaneously removing subsidies and imposing a tax on meat and dairy would have powerful effects on people, animals, and the planet.<sup>62</sup>

*F. Encouraging livestock farmers’ “transformation” and providing training and job opportunities to former animal agriculture industry workers*

A Great Food Transformation that moves away from the animal agriculture industry needs to be thoughtful about creating training and support for people whose lives, land, and livelihood have been bound up in that industry.<sup>63</sup> Private companies and nonprofit organizations have been leading these efforts to date, but for these efforts to be successful on a global scale, governments need to create laws and policies—and allocate funding—to support farmers and workers as our food culture shifts away from animals and toward a plant-focused future.

A few farmers have already chosen voluntarily to make the transition from raising animals to growing plants. And, a few programs already exist to help farmers make the shift.<sup>64</sup> UK-based farmer Jay Wilde decided in 2017 that he couldn’t bear

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taxpayers-subsidize-the-foods-that-are-better-for-us/2014/02/14/d7642a3c-9434-11e3-84e1-27626c5ef5fb\_story.html (Haspel doesn’t even mention the massive subsidies on meat and dairy that were discussed above. She does, however, argue that “we [ ] need to move away from a system that requires taxpayers to spend billions underwriting a system detrimental to public health.”); *see also* Alli Condra, *Why Fruits, Vegetables Are Excluded from Farm Subsidies*, FOOD SAFETY NEWS (Nov. 9, 2011) <https://www.foodsafetynews.com/2011/11/fairness-why-fruits-vegetables-are-excluded-from-farm-subsidies> (“Historically, farm bills have provided financial support for commodity crops (such as wheat, corn and soybeans) and no financial support for fruits and vegetables.”).

60. Katherine Leach-Kemon, *To Encourage Healthy Eating, Use the Carrot, Not Just the Stick*, THINK GLOBAL HEALTH (Dec. 2, 2019), <https://www.thinkglobalhealth.org/article/encourage-healthy-eating-use-carrot-not-just-stick>.

61. Southey, *supra* note 18.

62. *See* Jonathan Pearson-Stuttard et al., *Reducing US Cardiovascular Disease Burden and Disparities Through National and Targeted Dietary Policies: A Modelling Study*, PLOS MEDICINE (June 6, 2017), <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002311#abstract2> (In the realm of health specifically, even modest subsidies on plant-based foods would translate to significant benefits. A 2017 study revealed that a 10% subsidy on fruit and vegetable prices was most likely to reduce cardiovascular disease mortality, while a 30% subsidy offered specifically to SNAP participants was most likely to reduce disparities in cardiovascular disease mortality); *see also* Brooks, *supra* note 52.

63. *See, e.g.*, Jenny Splitter, *What a Meatless Future Could Mean for Farmers: A Plant-Based Food System Would Be A Win for Animals and the Environment. How Workers Would Fare is Less Clear*, VOX (Aug. 5, 2021), <https://www.vox.com/future-perfect/22609382/plant-based-meatless-future-transition-farmers-meatpacking-workers>.

64. *See* Shimon Shuchat, *Meet 7 Meat and Dairy Farmers Who Switched to Plants Instead!*, IN DEFENSE OF ANIMALS (July 25, 2019), <https://www.idausa.org/campaign/farmed-animal/latest-news/meet-7-meat-and-dairy-farmers-who-switched-to-plants-instead>; *see also* Maria Chiorando, *Former Dairy Farmers Can’t Face Killing Cows: Switch To Oat Milk Instead*, PLANT BASED NEWS (Jan. 13, 2021), <https://plantbasednews.org/culture/ethics/former-dairy-farmers-cant-face-killing-cows-switch-to-oat-milk-instead>.

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to “send the cows to the slaughterhouse for what must be a terrifying death.”<sup>65</sup> Wilde worked with UK-based Refarm’d, an organization that aims to provide farmers “with the tools they need to move away from the dairy trade [and offer] a viable new opportunity for their businesses to be part of the growing plant-based movement.”<sup>66</sup> With Refarm’d’s assistance, Wilde sent his cows to an animal sanctuary and pivoted to oat milk production instead.<sup>67</sup>

In the US, Transfarmation—a project of the animal advocacy organization Mercy for Animals—has as its mission “to help farmers transition their industrial animal-agriculture operations to plant-focused farms raising crops for human consumption.”<sup>68</sup> Defining “transfarmation” as “repurposing of a [concentrated animal feeding operation] to help create a sustainable and compassionate plant-based food system,” Transfarmation “partners with farmers to help them transition to plant production and then connects them with businesses in need of their products.”<sup>69</sup> According to Mercy for Animals President Leah Garcés, Transfarmation’s goal for its first phase is to partner with ten farmers to help them pivot away from animal agriculture toward “the plant-based space, whether it’s hemp or even solar and wind energy[.]”<sup>70</sup> “I’m not pretending that taking 10 farmers out of factory farming is going to end it,” says Garcés, “but we’re trying to work collaboratively and be constructive about creating new jobs for those who want them.”<sup>71</sup>

One of the farmers working with Transfarmation is Mike Weaver, who in 2019 left a 15-year career of growing broiler chickens behind to grow hemp.<sup>72</sup> By repurposing his chicken houses to grow industrial hemp, Weaver hopes to end inhumane conditions and “save water, hire more workers, and make exponentially more money growing hemp than he ever did as a contract [chicken] grower[.]”<sup>73</sup> “I was tired of making the poultry industry rich,” Weaver said, adding that “It’s not cheap to get into [hemp farming], [b]ut there’s less labor, and it’s more fun than picking up dead chickens every day. I miss them like a toothache.”<sup>74</sup>

Garcés “acknowledges that it can be cost-prohibitive for many farmers to shift from one kind of agriculture to another” and admits that there is no quick fix.<sup>75</sup> But to Garcés, those challenges are worth confronting. “Most farmers do not want to be in the warehouse picking up dead chickens,” she explained.<sup>76</sup> “We could just say ‘I don’t care,’ but there’s a deeper thing here. Rural America is the fabric of our

65. Lucy Danziger, *Biden Pledges \$1 Billion to Meat Farmers: Why Not Plant Protein?*, THE BEET (Jan. 13, 2022), [https://thebeet.com/biden-promised-1-billion-to-meat-farmers-why-not-spend-it-on-plant-protein/?utm\\_source=tsmclip&utm\\_medium=referral](https://thebeet.com/biden-promised-1-billion-to-meat-farmers-why-not-spend-it-on-plant-protein/?utm_source=tsmclip&utm_medium=referral).

66. *Id.*; see also *From Animal Milk to Plant Milk Production*, REFARM’D, <https://en.refarmd.com/>.

67. Danziger, *supra* note 65.

68. *Building a Farmer-Led Movement for a Better Food System*, TRANSFARMATION, <https://thetransfarmationproject.org/> (last visited Apr. 14, 2022); see also Hannah Bugga, *Dairy Farmer Transitions to Oat Milk, Turns Farm into Sanctuary*, MERCY FOR ANIMALS, <https://mercyforanimals.org/blog/dairy-farmer-transitions-to-oat-milk-turns/> (last visited Apr. 14, 2022).

69. *Building a Farmer-Led Movement for a Better Food System*, *supra* note 68.

70. Nadra Nittle, *The Plant-Based Movement to Transition Farmers Away from Meat and Dairy Production*, CIVIL EATS (Jan. 13, 2020), <https://civileats.com/2020/01/13/the-plant-based-movement-to-transition-farmers-away-from-meat-and-dairy-production>.

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

country and an important part of our history and our culture. There is a real need to do something constructive.”<sup>77</sup>

Meanwhile, a growing number of private companies—including Hälsa, Miyoko’s Creamery and Oatly—also have programs designed to help dairy farmers transition to crops like oat, hemp, or cashew that can be used to make plant-based milks and other products.<sup>78</sup> Other companies, like former dairy company Elmhurst, have shifted their company to entirely plant-based operations.<sup>79</sup> Closing Elmhurst’s dairy operations in 2016 after operating for 90 years in his family, Henry Schwartz commented that “Making plant milk might have seemed like a radical turn after a life in dairy—yet to me it was perfectly logical, probably even necessary.”<sup>80</sup>

Still other companies aim to give factory farm workers an alternative to the grueling and dangerous work inside factory farms. Rebellious Foods, a plant-based chicken startup, hopes “[t]o replace every one of the jobs at every chicken facility.”<sup>81</sup> Noting that the Occupational Safety and Health Administration (“OSHA”) identified work in chicken processing plants to be “one of the most dangerous jobs in America,” Rebellious’s CEO and founder Christie Lagally emphasized that at Rebellious, “our processing has no chicken, no blood, no chopping heads and feet off[.]”<sup>82</sup> By using existing infrastructure and “swap[ping] out the gear used in the chicken plants with Rebellious’ equipment,” Lagally underscores that replacing animal-based food production with plant-based production would benefit people, animals, and the planet. “We could create more jobs,” she explained, “and a safer ecosystem for towns, since their wastewater system wouldn’t have blood and feathers in it.”<sup>83</sup>

Given the scale of the current animal agriculture industry, shifting away from animal-based and toward plant-based food production on a wide scale won’t be easy. It will take a combination of creativity, financial resources, and broad public and political support. Acknowledging the financial hurdles, Transformation’s Garcés remarked that “I don’t pretend to know the answer, but I do plan to bring really smart people on board who do know. There could be debt forgiveness or [crowd-funded] donations given to these farmers.”<sup>84</sup>

For a Great Food Transformation to be successful, laws and policies need to be developed to create a robust infrastructure of financial and logistical support to farmers seeking to move away from animal agriculture and for workers seeking

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77. *Id.*

78. See Hälsa Foods Paves the Way for U.S. Dairy Farmers to Move to Plant-based Agriculture, CISION PR NEWSWIRE (May 12, 2020, 11:35 AM), <https://www.prnewswire.com/news-releases/halsa-foods-paves-the-way-for-us-dairy-farmers-to-move-to-plant-based-agriculture-301057758.html>; see also Miyoko’s Dairy Farm Transition Program, MIYOKOS, <https://miyokos.com/pages/dairy-farm-transition> (last visited Apr. 14, 2022); Tom Levitt, ‘Wow, No Cow’: The Swedish Farmer Using Oats to Make Milk, THE GUARDIAN (Aug. 26, 2017, 2:00 PM), <https://www.theguardian.com/sustainable-business/2017/aug/26/wow-no-cow-swedish-farmer-oats-milk-oatly>; *Farmer Seeking Farmers*, OATLY, <https://www.oatly.com/things-we-do/initiatives/farmer-seeking-farmer> (last visited Apr. 14, 2022); *The US Oat Pilot Program*, OATLY, <https://sustainability.oatly.com/us-oat-pilot-program/> (last visited Apr. 14, 2022).

79. See Danziger, *supra* note 65; see also *The Dairy That Gave Up Dairy*, ELMHURST, <https://elmhurst1925.com/pages/our-story> (last visited Apr. 14, 2022).

80. *The Dairy That Gave Up Dairy*, *supra* note 79.

81. Nittle, *supra* note 70.

82. *Id.*

83. *Id.*

84. *Id.*

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employment outside factory farms. Scholar Christina Sewell argues for the creation of a “government-backed training program” that exists “[t]o ensure that existing farmers are financially secure in their transitions to localized agriculture, appropriate investment should be allocated toward regenerative and veganic farming training programs that implement organic standards and maintain soil fertility.”<sup>85</sup> Government funding can and should also be allocated to scale up projects like Transfarmation, and to offer factory farm workers training and support to pivot from one industry to another.

Plant-based food needs to replace animal-based food for the good of people, animals, and the planet. The government can and should be a leader in facilitating the cultural shift that is already underway around the future of food. Farm Sanctuary co-founder Gene Baur, a supporter of initiatives like the ones described above, argues that “the goal of the plant-based agriculture movement is to help farmers adapt to a changing society and an environment under threat.”<sup>86</sup> As he explained it, “Change is constant. It used to be that we would get oil from whales. When kerosene was developed, that shifted. Horses were routinely used for transportation; the automobile replaced horses.”<sup>87</sup> Plants will eventually replace animals as our primary food source, and laws and policies should facilitate this change to ensure that no one is left behind as we head into a plant-driven future.

*G. A global commitment to creating funding for people and organizations with innovative ideas for how to transform food culture on local, regional, national, and international scales*

Big transformations require a robust infusion of creative ideas, ideally on a global scale. The urgency of the Covid-19 pandemic saw a burst of public and private funding allocated toward the development of vaccines that utilize innovative technology, and the result was a number of highly effective vaccines developed in record time.<sup>88</sup> That same urgency should be felt today when it comes to our current global food system and its entanglements with climate change, species extinction, animal exploitation, and poor health—and a similar global commitment to tackling this problem should be made. Local, regional, national, and international governments should commit funding for grants to be awarded to people and organizations with innovative ideas for how to transform food culture. Funding may be used to support public art projects, public information campaigns, social media initiatives, and other innovative ideas we can’t even dream of today.

In the United States, federal, state, and local governments can be doing much more to transform our food culture by implementing policies that will increase demand for plant-based food. Ideas include (1) adjusting the Supplemental Nutrition Assistance Program (“SNAP”) so that benefits are worth twice as much when used to buy plant-based food rather than animal-based food; (2) offering significant tax incentives for the creation of vegan restaurants and for existing restaurants to

85. Sewell, *supra* note 35.

86. Nittle, *supra* note 70.

87. *Id.*

88. James C. Robinson, *Funding of Pharmaceutical Innovation During and After the COVID-19 Pandemic*, JAMA (Jan. 14, 2021), <https://jamanetwork.com/journals/jama/fullarticle/2775400>.

convert their menus to be entirely plant-based; (3) prioritizing the grant of governmental contracts to caterers offering entirely plant-based menus; and (4) conditioning federal funding on entities—such as universities—offering substantially more (and eventually exclusively) plant-based offerings.

### H. *Changing the way young people think about food*

If we want the future of food to look different than the present, we need to shift our children’s mindset about food so that they can be pioneers of a new food culture. What’s needed is a range of practical and curricular changes at public schools to ensure that young people are exposed to both vegan food and a curriculum that teaches them why vegan eating is a critical ingredient for a sustainable and ethical world.

There is currently no law or regulation that requires schools to offer vegetarian or vegan food to children.<sup>89</sup> To the contrary, the USDA requires schools to offer dairy milk with every meal, and the federal government reimburses schools to ensure that they meet this requirement.<sup>90</sup> Some individual school districts have chosen to offer vegan food in schools, with the Los Angeles Unified School District launching a pilot program offering daily vegan options to students in 2017 and other schools following suits around the country.<sup>91</sup> In February 2022, New York City mayor Eric Adams famously implemented “Vegan Fridays” at schools across the city—making it the nation’s largest school district to offer vegan meals on a broad scale.<sup>92</sup>

While inspiring, this scattershot of schools offering vegan meals isn’t enough to change the dominant food culture. Scholar Christina Sewell has argued for “a strong component within American public schools where students and families can learn scientifically-backed information regarding balanced diets that do not necessarily include meat and other animal-derived products.”<sup>93</sup> She argues that “[c]hildren of all ages should receive plenty of plant-based nutritional food options in schools, with a policy of at least one vegan meal offering every day in their

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89. Ashlee Cartwright, *Vegan-at-Law: Vegan and Vegetarian Options in the National School Lunch Program*, GENERATION VEGGIE, <http://www.generationveggie.org/vegan-at-law-vegan-and-vegetarian-options-in-the-national-school-lunch-program> (last visited Apr. 12, 2022).

90. *Special Milk Program*, USDA FOOD AND NUTRITION SERVICE, <https://www.fns.usda.gov/smp/special-milk-program> (last visited Apr. 14, 2022).

91. See Ashley Schaeffer Yildiz, *Revolution in the Cafeteria! 4 School Districts Leading the Way on Healthy School Lunch*, OMD FOR THE PLANET (Oct. 17, 2019), <https://omdfortheplanet.com/blog/public-schools-deliver-plant-based-lunches/>; see also Jessica Fu, *New York City’s “Vegan Fridays” School-Food Program is as Vegan as its Mayor—That is, Not Entirely*, THE COUNTER (Feb. 9, 2022), <https://thecounter.org/new-york-city-vegan-fridays-school-lunch-food-program-eric-adams/>; see generally Rosendo Flores, Jill Eckart, Katie Nash, et al., *Implementation of Vegan Entrees in a Washington, D.C. Elementary School*, 43 J. OF CHILD NUTRITION AND MANAGEMENT (Fall 2019), [https://schoolnutrition.org/uploadedFiles/5\\_News\\_and\\_Publications/4\\_The\\_Journal\\_of\\_Child\\_Nutrition\\_and\\_Management/Fall\\_2019/Implementation-of-Vegan-Entrees-in-an-Washington-DC-Elementary-School-Fall2019.pdf](https://schoolnutrition.org/uploadedFiles/5_News_and_Publications/4_The_Journal_of_Child_Nutrition_and_Management/Fall_2019/Implementation-of-Vegan-Entrees-in-an-Washington-DC-Elementary-School-Fall2019.pdf).

92. Ida Siegal, *NYC Schools Going Meatless At Least One Day A Week*, NBC NEW YORK (Feb. 4, 2022), <https://www.nbcnewyork.com/news/nyc-schools-going-meatless-at-least-one-day-a-week/3534443/>; see also Fu, *supra* note 91.

93. Sewell, *supra* note 35.

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cafeterias. This is an important way to positively shift Americans' behavior from the ground up and reduce stigma or confusion around plant-centered nutrition."<sup>94</sup>

A broader nationwide effort is needed to not only make vegan food the norm in schools across the country, but also to infuse age-appropriate lessons into each stage of a student's curriculum to teach them about the importance of an animal-free diet in addressing climate change, animal exploitation, and public health concerns.

### III. SHOULD THE GREAT—VEGAN—FOOD TRANSFORMATION BE FAKE-MEAT FREE?

*Meat the Future*. That's the name of a new documentary film exploring "the rise of the 'cultivated' meat revolution" that endeavors to create "a world where real meat is produced sustainably without the need to breed, raise, and slaughter animals."<sup>95</sup>

Like the word "milk,"<sup>96</sup> the phrase "real meat" is a controversial one in the realm of our current food culture, with battles over the term playing out in courtrooms and legislatures across the country and the world. Since 2018 at least 18 states in the United States have either introduced or passed legislation restricting use of the word "meat."<sup>97</sup> Taking a range of approaches, each state seeks to define the word "meat" as the substance that comes from slaughtered animals. The efforts virtually always seek to prohibit cultured meat—sometimes referred to as "cultivated meat," "cellular meat," or "clean meat"<sup>98</sup>—from using the term "meat" on its packaging or advertising. Some states have also sought to prohibit plant-based meat from using the term "meat"—even when those products use qualifiers like "plant-based" before the word.<sup>99</sup> It's undeniable that cultured meat and "bleeding" veggie burgers are having a moment. But are they the future of food? Should they be?

Ultimately, while these cruelty-free meats are an excellent way to assimilate vegan food into the current dominate food culture, they are not a silver bullet to fix our broken food system. In fact, these products may paradoxically thwart efforts to transform our species' relationship with food by perpetuating longstanding cultural norms that glorify meat-eating and undervalue plant-eating.<sup>100</sup>

Meat-eating in many cultures "has become entwined with national identity[.]"<sup>101</sup> Not only that, but meat has long been a symbol used to perpetuate racist

94. *Id.*

95. See MEAT THE FUTURE, <https://meatthefuture.com/> (quoting language from an email about the film sent on Feb. 25, 2022 by Chris Green, Executive Director of the Brooks McCormick Jr. Animal Law & Policy Program at Harvard Law School. On file with the author).

96. See Iselin Gambert, *Got Mylk? The Disruptive Possibilities of Plant Milk*, 84 BROOKLYN L. REV. 801 (2019) (for an overview of the so-called legal, cultural, and linguistic "milk wars").

97. Gambert, *supra* note 56.

98. See *The Science of Cultivated Meat*, GOOD FOOD INSTITUTE, <https://gfi.org/science/the-science-of-cultivated-meat/> (This lab-grown meat is identical to conventional animal-derived meat at the cellular level, but is produced without the wide-scale exploitation and suffering involved in raising animals for slaughter).

99. See Gambert, *supra* note 56.

100. See Dan Charles, *The Making Of Meat-Eating America*, NPR (June 26, 2012), <https://www.npr.org/sections/thesalt/2012/06/26/155720538/the-making-of-meat-eating-america>.

101. Samuel, *supra* note 24.

and sexist tropes tethered to outdated gender roles and masculinity ideals in dominant food culture.<sup>102</sup> As I explained in another article, “[m]eat and meat-eating occupies a very specific cultural space in that not only signifies ‘the good old days’ and tradition, but also serves as a long-standing symbol of traditional—and white—masculinity, dominance, and power.”<sup>103</sup> Meat-eating is a “central aspect in our patriarchal world, one that literally exploits female bodies and reproductive lives for human consumption, one that figuratively views women as nothing more than pieces of meat.”<sup>104</sup>

Feminist scholar Carol J. Adams extensively explored the relationship between patriarchal values and meat eating in her landmark work *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*.<sup>105</sup> In her work, Adams describes as a “racialized politics of meat” that worked to split the “world into intellectually superior meat eaters and inferior plant eaters.”<sup>106</sup> She argues that “feminist theory logically contains a vegan critique . . . just as veganism covertly challenges patriarchal society.”<sup>107</sup>

Others have explored the phenomenon of cultured meat and plant-based meat occupying the same cultural space as animal-based meat.<sup>108</sup> Journalist Sarah Todd summed it up this way: “The strategy is a practical one: Rather than trying to push men to eat less meat and embrace plant-based diets, [companies like] Beyond Meat and Impossible Foods want to expand the definition of what meat is.”<sup>109</sup> Put simply: vegan meat—or what this essay’s title quasi-jokingly refers to as “fake meat”—is “real meat” too.

102. See Iselin Gambert & Tobias Linné, *From Rice Eaters to Soy Boys: Race, Gender, and Tropes of Plant Food Masculinity*, 7 ANIMAL STUD. J., 129, 133 (2018) (For an examination of the historical and contemporary connections between attitudes around plant- and animal-eating, gender, and race).

103. Gambert, *supra* note 56; see Juliana Roth, *The Meat Industry’s Exploitation of Toxic Masculinity Hurts Us All*, THE ESTABLISHMENT (Mar. 29, 2016) (“Eating meat, after all, has long been associated with masculinity; since pretty much the dawn of advertising, commercials have explicitly linked meat-eating to desirable manliness. To name but a few of the most egregious examples from the last few years, there was the Carl’s Jr.’s ad depicting X-Men’s Mystique morphing into a ripped manly man after consuming a bacon cheeseburger (with the tagline “Man Up”); Burger King’s “I Am Man” commercial, in which a guy sings about not settling for ‘chick food’; and the Taco Bell ‘Guys Love Bacon’ campaign.”), <https://medium.com/the-establishment/how-the-meat-industry-exploits-toxic-masculinity-868f10989e>.

104. See Gambert, *supra* note 56.

105. See Carol J. Adams, *THE SEXUAL POLITICS OF MEAT: A FEMINIST-VEGETARIAN CRITICAL THEORY* (20th Anniversary ed. Continuum, 2010); see also Carol J. Adams, *The Sexual Politics of Meat: The Book*, CAROL J. ADAMS, <https://caroljadams.com/spom-the-book> (last visited Apr. 14, 2022).

106. See *THE SEXUAL POLITICS OF MEAT: A FEMINIST-VEGETARIAN CRITICAL THEORY*, *supra* note 105 at 54.

107. *The Sexual Politics of Meat: The Book*, *supra* note 105.

108. See Laura Wright, *THE VEGAN STUDIES PROJECT: FOOD, ANIMALS, AND GENDER IN THE AGE OF TERROR* (2015) <https://ugapress.org/book/9780820348568/the-vegan-studies-project/> (Exploring veganism and the threatening space that it occupies in today’s culture); see also Sarah Todd, *Beyond Meat and Impossible Foods Burgers Could Change the Way We Think About Masculinity*, QUARTZ (Apr. 27, 2019), <https://qz.com/quartz/1603993/beyond-meats-vegan-burgers-could-change-the-way-we-think-about-masculinity/>; see also Juliana Roth, *The Meat Industry’s Exploitation of Toxic Masculinity Hurts Us All*, THE ESTABLISHMENT (Mar. 29, 2016), <https://medium.com/the-establishment/how-the-meat-industry-exploits-toxic-masculinity-868f10989e> (“Eating meat, after all, has long been associated with masculinity; since pretty much the dawn of advertising, commercials have explicitly linked meat-eating to desirable manliness. To name but a few of the most egregious examples from the last few years, there was the Carl’s Jr.’s ad depicting X-Men’s Mystique morphing into a ripped manly man after consuming a bacon cheeseburger (with the tagline “Man Up”); Burger King’s “I Am Man” commercial, in which a guy sings about not settling for “chick food”; and the Taco Bell “Guys Love Bacon” campaign.”).

109. Todd, *supra* note 108.

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All of this points to one central question: while marketing vegan meat to exist rhetorically within traditional norms of masculinity may succeed in getting more people to eat incrementally more vegan food, is it enough to create the sort of fundamental paradigm shift we need to achieve a Great Food Transformation? Max Elder, the research director at the Institute for the Future, a nonprofit research center in Silicon Valley, is skeptical. “If Beyond Meat and Impossible Foods succeed in instilling this new idea of meat,” he argues, “the cultural link between meat and masculinity may well remain intact...[w]e can’t just eat our way out of toxic masculinity.”<sup>110</sup> Elder further argues that “because these companies emphasize how similar their products are to meat in taste and texture, they may be less likely to make people question their meat-eating habits and engage in deeper reflections about the relationship between food and gender.”<sup>111</sup>

For a Great Food Transformation to be successful, we urgently need to question our animal-eating habits. We need to deeply reflect—not only on the ways in which animal-eating is harmful to animals, the environment, and our health, but also on the ways in which it may be keeping us stuck in outdated ways of interacting with each other and with our fellow earthlings. Incrementally replacing animal-derived meat with plant-based or cultivated meat is appealing in part because it doesn’t require us to collectively throw out everything we think about food and to start from scratch. In that way, it feels “safe.” But this moment calls for something bigger, bolder, and more disruptive. The path to a cruelty-free, environmentally-sound food culture requires us as a species to boldly and consciously choose to collectively “take away our hamburgers” by rejecting food that perpetuates outdated cultural norms, and instead, choosing to pursue a food culture that bears little resemblance to the harmful and exploitative one we inhabit today.

#### IV. CONCLUSION

When the Covid-19 pandemic uprooted life as we knew it, our species sprung to action, changing long-held customs and behaviors, and using innovation buoyed by government funding to create life-saving vaccines and other public health initiatives. We should meet the current crisis we face in our broken food system with the same sense of urgency and commitment to sweeping, innovative, behavior-modifying changes backed by government policies and funding that will support us in making those changes a reality.

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110. *Id.*

111. *Id.*