

Virginia Governor Vetoes Bill Prohibiting Plant-Based “Milk”

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- On April 11, Virginia Governor Ralph Northam [vetoed](#) a bill that would have limited the use of the term “milk.” HB 119 was introduced to the Virginia House on December 16, 2019 and defined “milk” as “the lacteal secretion of a healthy hooved mammal and provides that a food product is unlawfully misbranded if its label states that it is milk and it fails to meet such definition, except for human breast milk.” The bill directed the Board of Agriculture and Consumer Services to implement a plan to ban all products misbranded as milk.
- Governor Northam [explained](#) his decision to veto by stating that “[e]liminating the ability to label certain food products with the term “milk” could hinder some businesses’ ability to thrive in Virginia. This bill likely conflicts with both the United States Constitution and the Constitution of Virginia and each’s protection of commercial speech. Accordingly, I veto this bill.”
- As our readers are aware, since 2018, dozens of states have introduced similar labeling bills, many of which have been challenged in court. On the federal level, U.S. Senator Tammy Baldwin introduced the Dairy Pride Act in March 2019 to prohibit non-dairy products made from nuts, seeds, plants, and algae from being labeled with dairy terms like milk, yogurt, and cheese. Although it has yet to be referred out of committee. Additionally, the FDA [requested](#) comments on the use of dairy terms, such as milk, yogurt, and cheese, in the labeling of plant-based products. FDA received 14,000 comments but has yet to act further.

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