

Maple Wars re: Food Law

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[Maple industry groups ask FDA to take action against alleged imposters.](#)

- It is unquestionable that the maple syrup industry takes product labeling very seriously. Illustrative of this vested interest, although the ***Federal Food, Drug, and Cosmetic Act*** restricts the ability of states to establish separate ***standards of identity (SOI)*** or labeling requirements for foods in general, the preemption clauses contain express carve-outs that permit states to establish their own SOIs and labeling requirements for maple syrup. Vermont has implemented its own robust [maple syrup regulatory framework](#), and stakeholders in that state remain vocal and active in their efforts to police and protect the marketplace for genuine maple syrup.
- Earlier this month, several maple syrup industry groups sent a [letter to FDA](#) requesting that the Agency take enforcement action against food products labeled as “maple,” but that do not contain maple syrup. The letter was sent by maple syrup producer groups in Connecticut, Indiana, Maine, Massachusetts, Michigan, Minnesota, New York, Vermont and Wisconsin, as well as the International Maple Syrup Institute and the North American Maple Syrup Council. The petitioners collectively ask FDA to require companies to remove the “maple” branding from nine specified products (including oatmeal and ice cream, among others) or to add maple syrup to those products.
- According to media reports, FDA has said it is reviewing the letter and will respond directly to the petitioners. Although it is not yet clear how the Agency plans to respond, the publicity surrounding this incident highlights the potential risks associated with “maple” claims and the willingness of the maple industry to take concrete action in this area.

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