

# Conflict-Obstacle Preemption Bars All State-Law Claims Which Effectively Challenge a Certification Decision Pursuant to the Organic Food Production Act (OFPA)

Article By:

Food and Drug Law at Keller and Heckman

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- The U.S. Court of Appeals for the 2nd Circuit ruled against plaintiffs in [Marentette v. Abbott Laboratories, Inc., Case No. 17-62, Decided: March 23, 2018](#), affirming the lower court's dismissal of claims that Abbott's organic-labelled infant formula violate state law by including ingredients that are not permitted under the Organic Food Production Act (OFPA). The 2nd Cir. agreed with the decision of the 8th Circuit in [In Re Aurora Dairy Corp. Organic Milk Marketing, 621 F. 3d. 781 \(2010\)](#) that all state-law claims which effectively challenge an OFPA organic certification are barred by conflict-obstacle preemption principles and found there would be no way to rule in plaintiffs' favor without contradicting a lawful OFPA organic certification decision.
- Conflict-obstacle preemption is a form of implied preemption of state law by federal law (i.e., preemption is not expressly stated). It applies where the state law at issue would stand as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The Abbott court and the Aurora court have found that where determining whether plaintiffs have a meritorious state law claim would require looking behind an organic certification that is properly granted under the OFPA, those state law claims are an obstacle to the federal scheme's objectives and are preempted.
- The Abbott court's decision reinforces that products certified organic pursuant to OFPA are organic as a matter of federal law and there is no distinction between federal law compliance versus certification.

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