



LEGISLATION, REGULATIONS & STANDARDS

## FDA Announces End of PFAS Use in Food Packaging

The U.S. Food and Drug Administration (FDA) has announced that grease-proofing materials containing per- and polyfluoroalkyl substances (PFAS) are no longer being sold for use in food packaging in the United States. FDA Deputy Commissioner for Human Foods Jim Jones said in a [news release](#) that a major source of dietary exposure to PFAS is being eliminated, noting that PFAS can be found in food packaging such as fast-food wrappers, microwave popcorn bags, take-out paperboard containers and pet food bags. Exposure to some types of PFAS—a diverse group of chemicals that resist grease, oil, water and heat—has been linked to serious health effects.

Jones said the announcement is the result of a combination of FDA research and industry cooperation, noting that manufacturers voluntarily agreed not to sell in the United States food-contact substances containing certain PFAS intended for use as grease-proofing agents. “This FDA-led effort represents a positive step forward as we continue to reevaluate chemicals authorized for use with, and in, food,” he said. “It underscores an important milestone in the protection of U.S. consumers from potentially harmful food-contact chemicals.”

## FDA Confirms Source of Lead Poisoning in Tainted Cinnamon Applesauce

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Shook offers expert, efficient and innovative representation to clients targeted by food lawyers and regulators. We know that the successful resolution of food-related matters requires a comprehensive strategy developed in partnership with our clients.

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The U.S. Food and Drug Administration (FDA) has confirmed that the lead and chromium previously detected in cinnamon used in applesauce products recalled in late 2023 are from lead chromate. According to Centers for Disease Control and Prevention (CDC) data, as of February 23, the agency has received reports of 111 confirmed cases of elevated blood lead levels, 320 probable cases and 37 suspected cases, totaling 486 cases from 44 states.

FDA indicated that the lead chromate may have been added to the cinnamon to increase weight and enhance color and asserted that its leading hypothesis is that the contamination was "an act of economically motivated adulteration." The agency further noted that it has limited authority over foreign ingredient suppliers that do not directly ship products to the United States because their food undergoes further manufacturing/processing prior to export.

In an investigation with the nonprofit health newsroom *The Examination*, the *New York Times* reportedly found that the tainted products "sailed through a series of checkpoints in a food-safety system meant to protect American consumers."

## California Lawmakers Introduce Octopus Farming Ban

California Assemblymembers Steve Bennett (D-Oxnard) and Laura Friedman (D-Glendale) have introduced AB 3162, the California Oppose Cruelty to Octopuses (OCTO) Act, which would prohibit engaging in an aquaculture activity in the state that involves the propagation, cultivation, maintenance or harvest of any species of octopus for the purpose of human consumption. The bill states that "aquaculture activity" includes, but is not limited to, the use of land-based recirculating aquaculture systems.

In a statement, Bennett said octopuses are primarily solitary animals and are not suited to large-scale breeding. "They have demonstrated an aptitude for learning and their acute intelligence is becoming well recorded among the scientific community," he said. "Outside the U.S., there is a growing trend of recognizing the sentience of this eight-legged cephalopod and the inappropriateness of captive breeding and harvesting it. AB 3162 will prevent needless, systemic harm to these captivating animals."

The bill is cosponsored by Animal Legal Defense Fund and Social Compassion in Legislation. If passed, the law would take effect January 1, 2025. Similar bills have been introduced in



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### ABOUT SHOOK

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys are experienced at assisting food industry clients develop early assessment procedures that allow for quick evaluation of potential liability and the most appropriate response in the event of suspected product contamination or an alleged food-borne safety outbreak. The firm also counsels food producers on labeling audits and other compliance issues, ranging from recalls to facility inspections, subject to FDA, USDA and FTC regulation.





## France to Ban Use of Meat-Related Terms for Plant-Based Meat

In a [decree](#), the French government has [reportedly](#) banned the use of certain meat-related terms such as “steak,” “ham” and “filet” in relation to plant-based meat. The government will enforce the decree, published February 26, in three months. Companies that fail to comply could face fines up to €7,500. A [previous version](#) of the measure was suspended for lack of clarity and insufficient timing to implement the required changes.

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### MEDIA COVERAGE

## *New York Times* Covers Lagging CBD Market

*The New York Times* has [published](#) an examination of the effects that “a lack of federal rules and a mishmash of state regulations” have had on the cannabidiol (CBD) market. After the U.S. Congress legalized hemp-based CBD, the U.S. Food and Drug Administration declined to create rules that would allow the compound to be used in food or dietary supplements, the *Times* explains. But some states have permitted CBD use in food, including California, and companies that manufacture food products with CBD only sell to regional and independent grocers. “We make a drink that a lot of consumers want, but the big chains won’t touch it,” one company owner told the *Times*.

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