



Our Time to Create the Future We Want

Miyoko Schinner
Founder, Miyoko's
Founder, Rancho
Compassion
Co-Founder, LEAP

Who Owns Butter?

Case 2:20-cv-00001 Document 1-1 Filed 08/11/20 Page 1 of 1

1 Alton Azeite (Case No. 21027)
2 Anzeite Food & Co. Inc. (as hereinafter)
3 **ANDRE LADRE EXPOSE FOOD**
4 333 East Coast Avenue
5 Costa, CA 94026
6 (707) 796-2520
7 anzeite@alton.com
8 alton@alton.com

9 Dwight Cooper (as hereinafter)
10 Dwight Cooper Terminal
11 **GOFF'S MILK PROCESSING**
12 1900 L Street, NW, Suite 102
13 Washington, DC 20036
14 (202) 899-1711
15 dwight@goffmilk.com
16 alton@goffmilk.com

17 **IN THE UNITED STATES DISTRICT COURT
18 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

19 **DEVRATH KOTCHEN,**
20 Plaintiff,
21 v.
22 **KAREN REISS**, in her official capacity as
23 Secretary of the California Department of
24 Food and Agriculture, and **OSIEN DEAM**,
25 in his official capacity as Branch Chief of the
26 **M&M and Dairy Food Safety Branch,**
27 Defendant.

28 Case No. _____

29 **COMPLAINT FOR
30 DECLARATORY AND
31 INJUNCTIVE RELIEF**

32 Myler's Kitchen—a maker of 100% plant-based foods—(myler) has not made the First
33 Amendment because California's M&M and Dairy Food Safety Branch has wrongly ordered
34 Myler's to remove (myler) images and images from its website and its product labels—
35 including the phrase "100% cruelty and animal free," the use of the word "butter" in the phrase
36 "vegan plant butter," and even an image of a "woman logging a run."

37 Complaint

38 1



December 9, 2019

Rosalie Burkett
Miyoko's Kitchen
2086 Marina Avenue
Petaluma, CA 94954

Dear Ms. Burkett,

The label for the Miyoko's Kitchen product currently bearing the words "Cultured Vegan Plant Butter" has been reviewed by the California Department of Food and Agriculture, Milk and Dairy Food Safety Branch. This label requires revision to be in compliance with Title 21, Code of Federal Regulations and the California Food and Agricultural Code (hereafter FAC). Please review the label, make necessary changes, and resubmit it for review. The revisions needed are numbered below and on the label.

1. The product currently features two statements of identity. One of the names of the food listed on the first package is "Cultured Vegan Butter". The other name listed on the product is "Cashew Cream fermented from live cultures". The name "Cashew Cream fermented from live cultures" appears toward the bottom of the page in small blue font. The name "Cashew Cream Fermented from live cultures" should be revised to be a principal part of the principal display panel as required by 21 CFR 101.3 for the name of the food.

The product cannot bear the name "Butter" because the product is not butter. "Butter" is defined in 21 U.S.C. 321a. as the food product made exclusively from milk or cream, or both with or without common salt ... and containing no less than 80 percentum by weight of milk fat, all tolerances having been allowed for. 21 USC 343(b) deems a food misbranded if it is offered for sale under the name of another food. The pervasive advertising of this product as "Butter" is just that, offering for sale this food, which is not butter; as a form of butter, or as butter itself. Remove the word "Butter" from the label. Images of animal agriculture from the website must also be removed such as the image below of the woman hugging a cow with other cows grazing in the background and the claim "100% dairy and cruelty free". Dairy images or associating the product with such

activities cannot be used on the advertising of products which resemble milk products. FAC 38955.

2.The product makes the following claims "Lactose Free", "Hormone Free", and "Cruelty Free". Because the product is not a dairy product it cannot assert these claims as they as imply that the product may be a dairy food without these characteristics. Additionally, although the food may be of plant origin, plants also contain endogenous hormones which regulate growth. 21 CFR 102.5 (a) provides that the common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible the basic nature of the food or its characterizing properties or ingredients. Under subdivision (c) of this same section it states that "The common or usual name of a food shall include a statement of the presence or absence of any characterizing ingredient(s) or component(s) and/or the need for the user to add any characterizing ingredient(s) or component(s) when the presence or absence of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present when it is not, and consumers may otherwise be misled about the presence or absence of the ingredient(s) or component(s) in the food. Revise the claims to remove those claims which are characteristic of dairy products. (The images are included on page 3 of 3 of this letter)

3.The products assert that they are "revolutionizing dairy with plants". The product is ineligible to make these claims as it is wholly composed of plant oils and is not of dairy origin. Remove these claims as they render the product misbranded with respect to dairy products and the food fails to contain the milk and milk ingredients which render them eligible for such claims. 21 CFR 101.18. and 21 CFR 130.8.

Sincerely,



LaVone Dyer R.E.H.S. R.D.I.
Senior Environmental Scientist
California Department of Food and Agriculture
Milk and Dairy Foods Safety Branch





The Intellect

“Makes sense.”

“I get it.”

“Great argument.”

**What are we
up against?**

**And what exactly
are “they” doing
that threatens us
or that we could
learn from?**









Outstanding in the field

La Plaza Cultural Community Garden
New York City, New York
Tuesday, August 31, 2010

chilled tomato & red pepper soup
artic char gravlax with beet jam
grilled pizza with red pepper & arugula
Telepan ham & figs
Sparkling Pointe Brut 2005

spicy melon, cucumber & radish
Leib Cellars Pinot Blanc 2009

grilled Cherrystone clams
with succotash sauce & grilled sourdough
Blue Point Toasted Lager

roasted goat with cherry tomatoes,
"on the grill" fingerling potatoes, shell beans
& garlic kale, fried summer vegetables
Cabernet Franc "Bouchet" Schneider 2006

peach pies with stone fruit salad
& red berry whipped cream
Bouquet White Dessert 2009

I'm a cow.

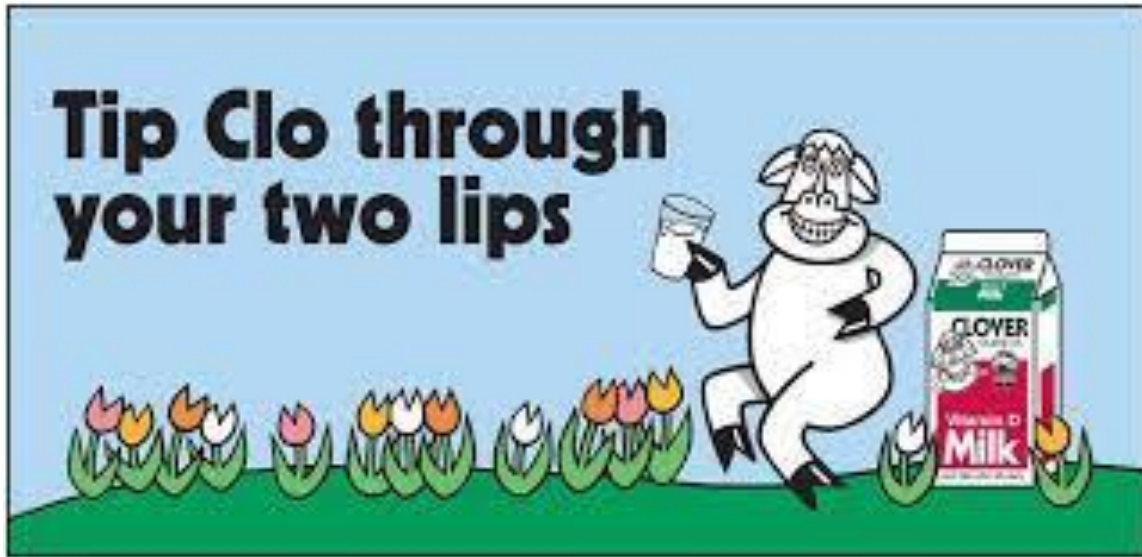
Lorem ipsum dolor sit amet, consectetur adipiscing elit. Nam eu nulla. Donec lacinia parus vel urna. Nunc inerat lacrima nunc. In solutpat sodales ipsum. Sed vestibulum. Integer in ante. Sed posere ligula rhoncus erat. Passer urna dui, sollicitudin or, pulvinar quis, tuncidunt et, roas. Quisque a nunc eget nibh interdum fringilla. Passer dapibus odio in est. Nunc egestas maxime ac leo. Nullam erat.

NOT A SCIENCE PROJECT.

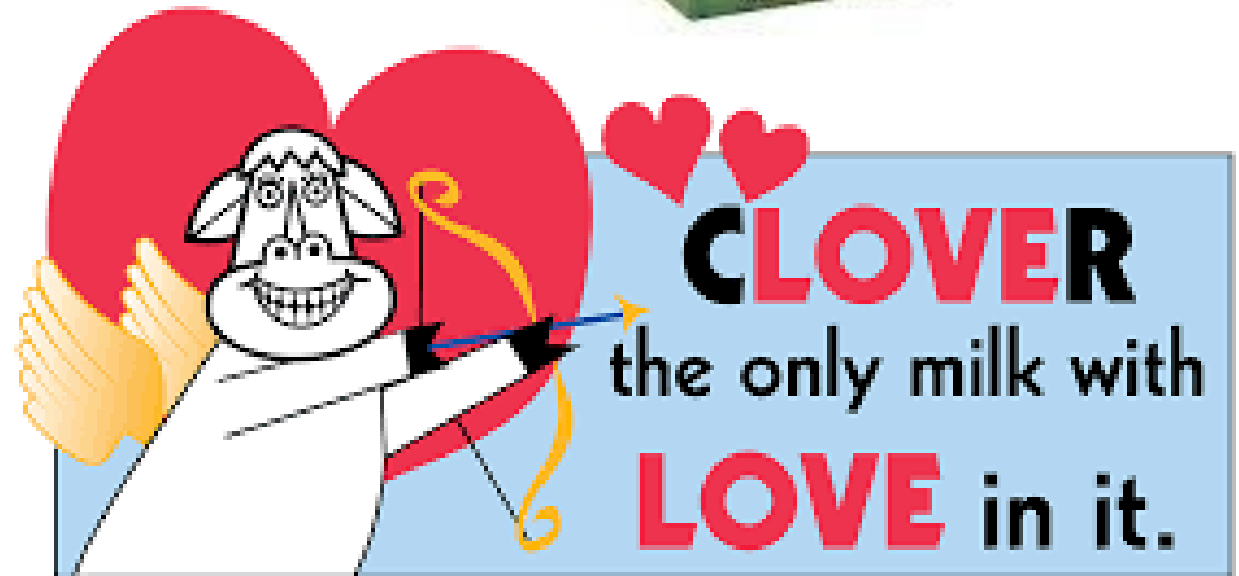
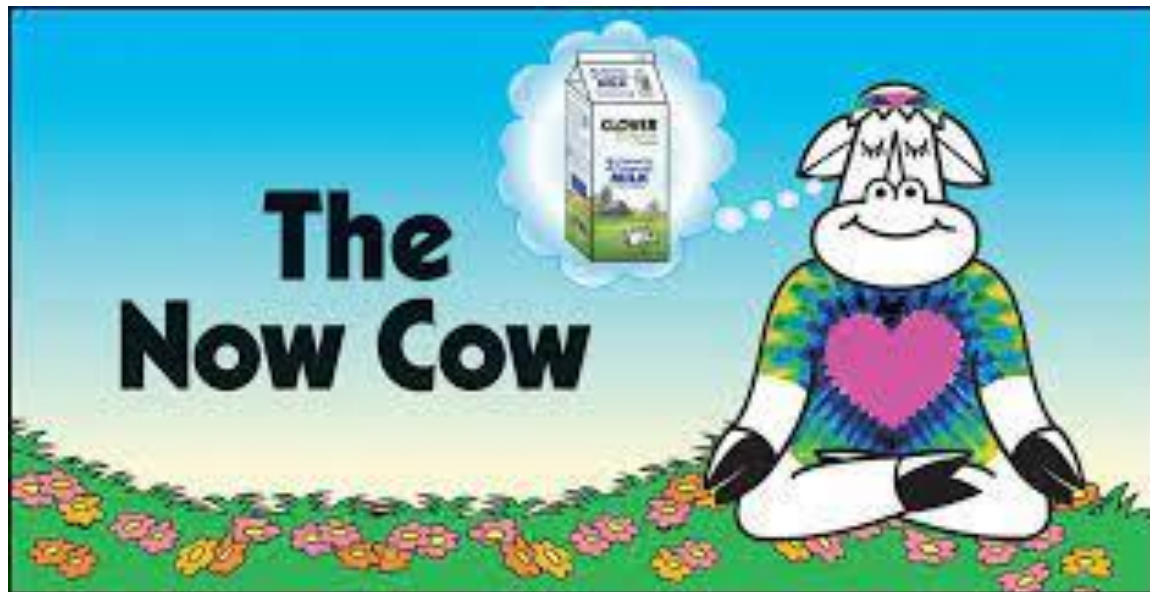


Organic
believe
enhan
So w

**Tip Clo through
your two lips**



**The
Now Cow**







Regenerative Messaging





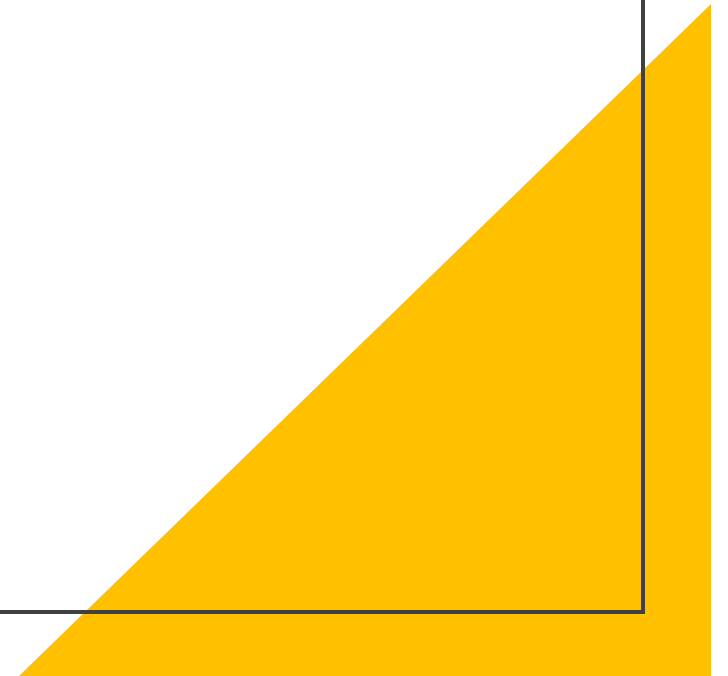


What are the

BENEFITS OF GRASSMILK?



**What Are We
Getting
Wrong?**



TRY THE
[REDACTED]
BURGER.

MEAT FROM PLANTS. WHOA.



MILK OF THE LAND™
SMOOTH AND
SERIOUSLY
CREAMY

DAIRY
FREE

PLANT-
BASED
-GOODNESS-



*Made from Plants not Cows, not nutritionally equivalent to dairy.

HOW MANY HAMBURGERS CAN WE PRODUCE WITH 84,700 LITERS OF WATER?

50



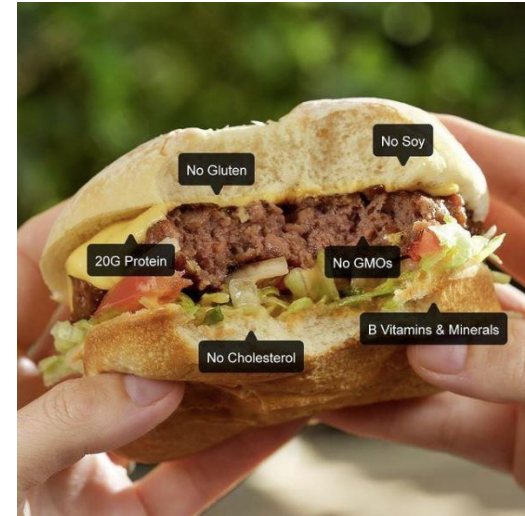
1.694L/UNIT

119.295



0.71L/UNIT

#THEREALCOSTOFMEAT



A BURGER WITH BENEFITS



20 Grams of Plant Protein



No Soy No Cholesterol



No GMOs



100% MEAT



Not This or That...But then **What Is it?**

100% VEGAN CHEESE

SO GOOD - YOU WON'T KNOW
IT'S NOT MADE FROM MILK!

AVAILABLE NOW

DISCOVER
with a range of
flavours!

SIMPLE

RECIPES

VEGETARIAN

NO
DAIRY
GLUTEN
LACTOSE
NUTS
SOY
PRESERVATIVES

cheddar flavour
BLOCK

WEDGE

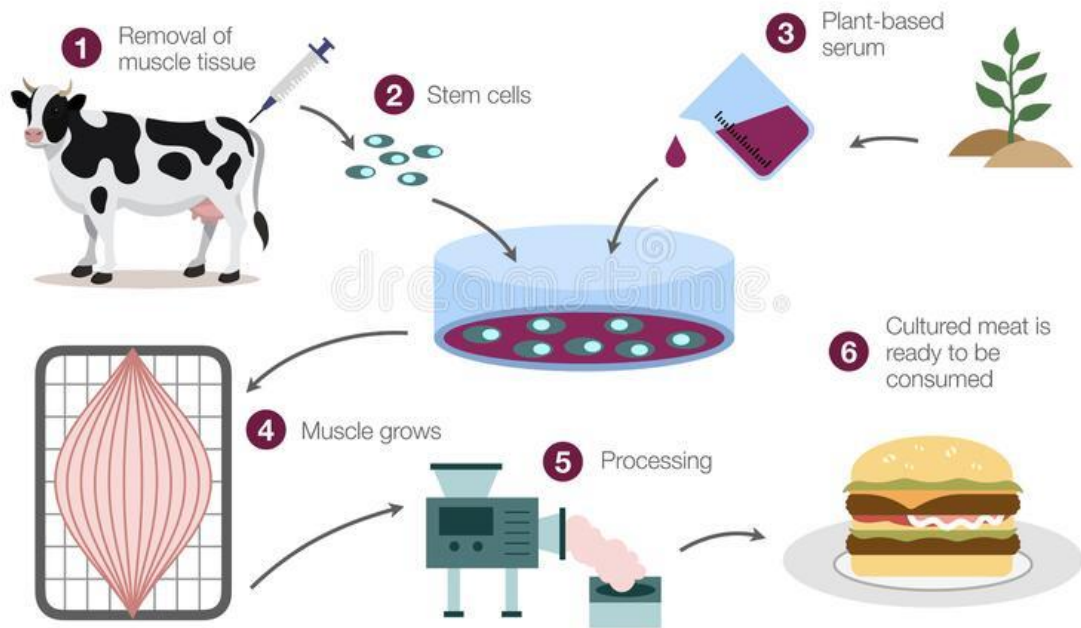
cheddar flavour
BLOCK

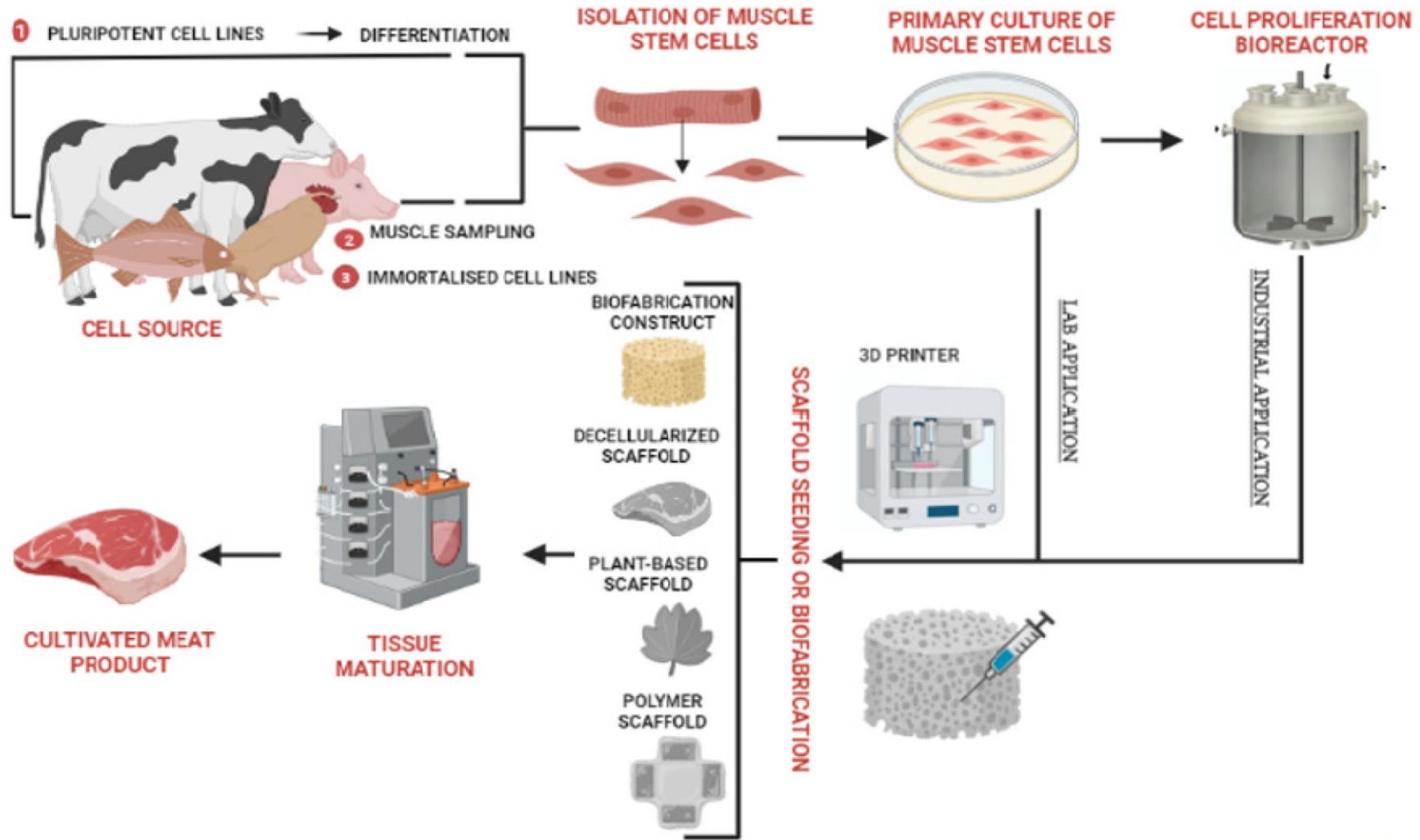
mild cheddar flavour
SLICES

mild cheddar flavour
GRATED

The advertisement features a light blue background with a central headline and a list of allergens. A red circle highlights the word 'NO' and the list of allergens. A red arrow points from the headline to the allergen list. Below the headline, there are several product packages: a 'cheddar flavour BLOCK', a 'WEDGE', another 'cheddar flavour BLOCK', 'mild cheddar flavour SLICES', and 'mild cheddar flavour GRATED'. There are also some speech bubbles and a yellow 'AVAILABLE NOW' badge.

How cultured meat is made





The Center
for
Consumer
Freedom

SHOULD FAKE MEAT HAVE A CANCER WARNING?

Tested synthetic meats when cooked develop a compound* that can cause cancer and reproductive harm, according to California health law.

**Synthetic meat calls itself
“plant-based.” So could cigarettes.**

*Based on certified California laboratory tests of six different products conducted Aug., Sept., and Nov. 2019. <https://bit.ly/2tMrwKr>

BLT?

MORE LIKE TBHQ-LT



**Real bacon is made from
just a few ingredients
such as pork and salt.**

Fake bacon can have over
40 ingredients, including tertiary
butylhydroquinone, disodium inosinate,
and disodium guanylate.

See what you're really putting in your mouth at

CleanFoodFacts.com



Straus Dairy Farm and Blue Ocean Barns Demonstrate a Dramatic Climate Change Solution in Dairy Farming

First U.S. Commercial Trial Using Red Seaweed (Asparagopsis Taxiformis) Successfully Reduces Enteric Methane Emissions From Cows, Proving Potential for Immediate Climate Impact



Greenwashing



STRAUS FAMILY CF

Social Media Profiles

 [StrausFamilyCreameryOrganic](#)

 [Straus Family Creamery](#)

[More News](#) 

Contacts

Shereen Mahnami
Director of Communications
Straus Family Creamery
707-776-2887x2149

Shereen@strausmilk.com

Haven Bourque

Haven@Media



Why dog?

TRADITIONAL RUFF-AGE

As you consider which pup to pop in your freezer, take a moment to learn how we raise our animals.



Labrador Steaks

Our labradors enjoy the most luxurious lives of all our dogs, hence their higher price! After they're born, they spend about 6 months in a pasture. After their pasture time, we auction some off for slaughter. We send some dogs to feedlots, where



Pug Bacon

Regretfully, our mother pugs endure a life of extreme confinement, but that's so we can deliver delicious pug bacon for all your eating needs! During pregnancy, we keep our mother pugs in gestation crates-- these are metal cages no bigger



Chihuahuaken

Chihuahuas account for 88% of farmed land animals, so it's no surprise to see them at Elwood's Organic Dog Meat! In the wild, chihuahuas can live upwards of ten years, but we only keep our broiler chihuahuas alive for roughly 47 days.

We Must Speak to the Heart



Work to Inspire, Not Incite

Inspirational Activism

Inspirational Advocacy

Inspirational Legal
Strategies



I Did Not Steal Two Piglets. I Saved Them. A Jury Agreed.

Oct. 18, 2022



**SPEAK OUT FOR
FARMED ANIMALS MONTH**

AMANDA HOWELL
ANIMAL LEGAL DEFENSE FUND
SENIOR STAFF ATTORNEY

**THE LEGAL SIGNIFICANCE
OF THE CHALLENGE TO
CALIFORNIA'S PROPOSITION 12**



**A Unique Opportunity to
Envision the Future of Food.**

Are they all equal in their promise for a better food system?

Food Tech.

Plant Based.

Alternative Protein.

Animal-free Dairy.

Precision Fermentation.

Cultivated, Cell-based, or Clean Meat.



Justice,
Equity,
and
Liberty
for All



The Real Question:

*Can we just evolve the food (technology)
or must we evolve ourselves?*

An Inspirational Opportunity

L.E.A.P.

*Leaders for Ethics,
Animals & Planet.*



*Championing care
and kindness in
youth over
commodification
and dominion of
other species*

From 4H to 4C

LEAP IS FOUNDED ON THESE
FOUR PILLARS

1 Compassion.

Caring for all living beings.

2 Cultivation.

Teaching veganic living.

3 Climate.

Combating the climate crisis.

4 Careers.

Developing future leaders..

4H & FFA claim to teach students to grow confidence, independence, resilience, and ‘compassion.’”

So What’s the Problem?

Image credit: Kokomo Tribune

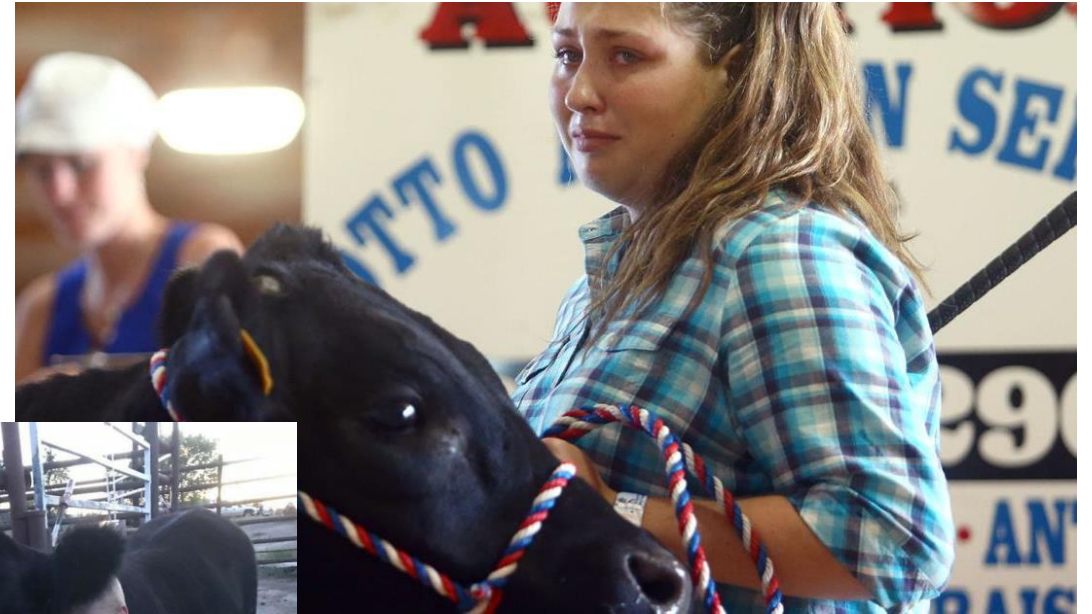


Image credit: KSNT

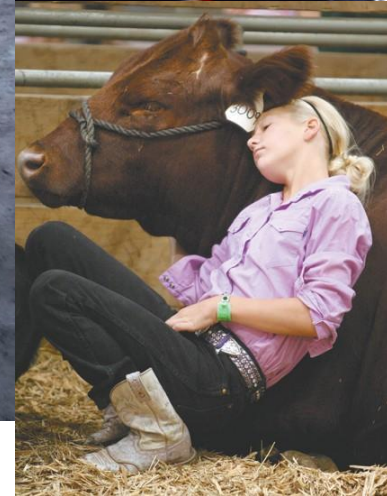


Image credit: The Billings Gazette

Image credit: Verde Independent

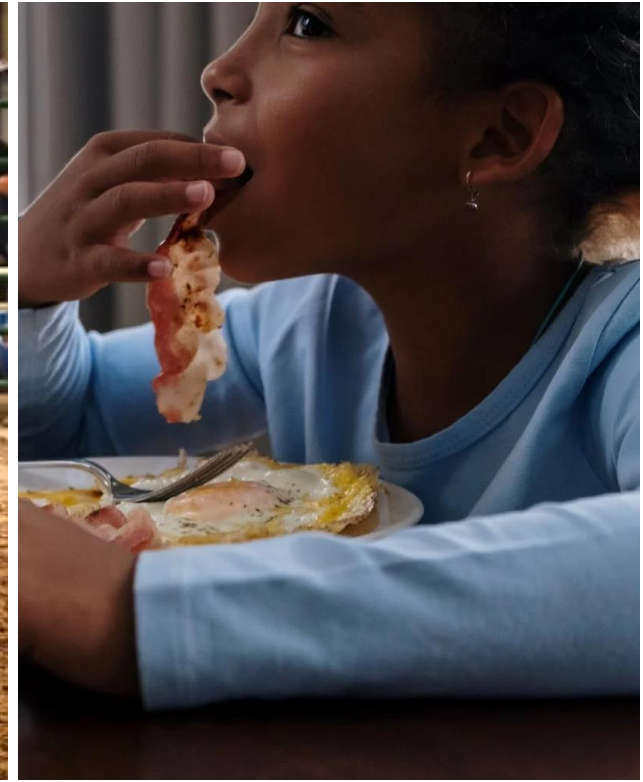


Image credit: Pexels.com

Is this really the best way to teach
resilience and compassion?

Or do these programs harden hearts?

LEAP:

A hands-on, educational program at non-profit farm animal sanctuaries that helps students learn compassionate animal care, veganism, leadership skills, and respectful stewardship of our planet.



A black and white cow is running across a grassy hill. The cow is in the middle ground, moving from left to right. The background shows a rolling green hill under a clear blue sky. A single tree is visible on the crest of the hill in the distance.

HAPPINESS
IS A FUNDAMENTAL
~~HUMAN~~
RIGHT