

Establishing a legal definition of “vegan” could ensure truth in advertising.

By Mat Thomas

Vegan, Inc.



ONE EVENING ABOUT FIVE YEARS AGO, SOON after becoming vegan, I went out to dinner with a couple of co-workers and ordered a cheeseless pizza, and for some bizarre reason, the restaurant served it minus dairy, but with chicken strips on it instead. Disgusted, I told the waitress to take the pie back because I had lost my appetite. One of my colleagues remarked that I shouldn't make such a fuss. She hated onions, she said, so it would be just like her getting served a pizza with onions on it; no big deal.

“Not exactly,” I replied. To get her to understand my perspective, I told her that, for a vegan, being served meat was more like a carnivore getting surprise toppings like eyeballs or brains. You can just imagine what a hit I was at the office in those days.

One would hope that restaurants today would understand the needs of vegan customers somewhat better. Many do, and are putting more vegan options on their menus. Yet even some supposedly vegan restaurants still don't get that vegan means no animal products.

In September of this year, Tammy Lee, co-founder of the regional grassroots organization Bay Area Vegetarians, posted a message to the

group's online discussion forum describing her recent experiences at two San Francisco “vegan” restaurants. First, after Lee found an egg shell in her Pie Pa Tofu Balls at Shangri-La, the cook explained that “(it) had fallen in while making another dish.” Soon after, she discovered by inquiring with the wait staff at Bok Choy Garden that the Tofu Cheese Rolls actually contained “shredded mozzarella cheese made from cow's milk,” even though

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the claim “Our food meets the standards of vegan” is printed on the restaurant's menu.

The idea that I had involuntarily eaten curdled bovine mammary secretions or fried chicken ovum when I paid for pure vegan food sickens me, so I have not returned to either restaurant, nor do I plan to. I refuse to support self-styled “vegan” restaurants that put animal products in even *one* of their dishes. But if restaurants in San Francisco—one of the veg-friendliest cities in the US, according to

many—can call something vegan when clearly it is not, then what's to stop anyone else from committing the same deception?

For the answer to this question, I sought the advice of Cheryl Leahy, General Counsel for Compassion Over Killing (COK), which has filed numerous legal actions to combat false advertising of animal products—most notably in the battery-cage egg industry. “There is no legal definition of ‘vegan’ as a marketing term,” she told me, “but every state has laws against false advertising. It depends on whether the claim would be misleading to the average consumer. So, in general, if you purchased a product thinking it was one thing and it turned out to be something else, you may have a case.”

Aside from a lawsuit (which actually seems a bit extreme to me), what other recourse do vegans have to ensure we get what we pay for? Here's one possible tactic: we can democratically entreat our representative government to establish a legally binding definition of “vegan” that would be federally regulated in much the same way that the term “organic” is. Vegan organizations in the UK recently petitioned the Prime Minister to legislate for standardization of the vegan label, so why not us Yanks?

Leahy observes that “the term ‘vegan’ currently falls into the same spectrum as ‘kosher,’ ‘free range,’ ‘humanely raised,’ and a host of other marketing claims that are currently certified not by the government, but by private, independent organizations that charge companies a fee for the designation.” In North America, the most recognized symbol of compassionate quality is the Certified Vegan logo, administered by the non-profit organization Vegan Action.

According to Vegan Action, the Certified Vegan Logo is a registered trademark that “helps vegans to shop without constantly consulting ingredient lists ... helps companies recognize a growing vegan market ... and helps bring the word ‘vegan’—and the lifestyle it represents—into the mainstream.” More than 100 companies have earned certification.

Leahy agrees with Vegan Action’s claims, and believes their certification program could serve as a model for legally defining the term “vegan” as a distinct category of food. She speculates that “It could get businesses and people to take veganism more seriously. At the very least, restaurants should be catering to *all* of their customers, including vegans. Regulating the definition of the term could raise awareness of veganism throughout the restaurant industry.”

As Leahy points out, the labeling of organic foods came about first on the state level, so (strategically speaking) she proposes starting there. Yet she acknowledges that if these efforts are successful, problems are bound to arise if each state adopts a different definition. Plus, even if vegans manage to get the term “vegan” legally defined, Leahy says, “there is still the question of enforcement by the USDA, which doesn’t have the resources to absolutely ensure that every product that claims to be purely vegan actually is.”

Having food accurately labeled as vegan is of prime importance to those who don’t eat animal products, but it also concerns carnivorous consumers who want the option of meatless meals—a segment of the population that is growing at a far faster rate than pure vegans. Whether for omnivores or strict vegans, raising general awareness might mean being able to sit down at a restaurant and not find eggshell in your “eggless” main dish. **VN**

Mat Thomas pens *News Beet Extra* in every edition of *VegNews*. Read more of his writing at animalrighter.org.

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