



August 20, 2026

Assemblymember Jacqui Irwin
California State Assembly
1021 O Street, Suite 6220
Sacramento, CA 95814

Re: AB 2779 Potential Sherman Food and Drug Act Amendments: Opposed

Dear Assemblymember Irwin,

The undersigned organizations are writing to share our concerns regarding potential amendments to your AB 2779. Our organizations represent California's food industry and supply chain from farmers and growers of fresh foods, dairy, grains, poultry, produce, dairy, and cattle to dairy processors and food manufacturers to grocery stores. We are opposed to any amendments to AB 2779 that would move oversight of California's date labeling program under your AB 660 from the Food and Agricultural Code to the Sherman Food and Drug Act.

Violations of California's Sherman Food, Drug, and Cosmetic Law raise serious public health, regulatory, and corporate liability concerns. For businesses, breaches trigger severe state enforcement mechanisms, including product seizures, civil injunctions, and criminal misdemeanor penalties. Beyond regulatory penalties, a major concern is California's litigious environment: because the Sherman Law incorporates federal Food, Drug, and Cosmetic Act (FDCA) standards verbatim, private plaintiffs frequently leverage minor labeling discrepancies as predicate claims for class-action lawsuits under California's Unfair Competition Law (UCL) and Consumer Legal Remedies Act (CLRA). This dynamic creates significant compliance hurdles and financial exposure, leaving businesses trapped between complex labeling requirements and ongoing litigation regarding whether such private claims are preempted by federal law.

Date labeling of different food and beverages is a sensitive issue due to complex state and federal regulations that govern different food products. There are significant food safety reasons for different formats of date labeling. Under your AB 660, a compromise was reached that established a uniform date labeling system under the Food and Agricultural Code with the goal of eliminating consumer confusion and decreasing food waste. AB 660 standardizes how food manufacturers, processors, and retailers label packaged food products sold in California and educates consumers on those dates. By creating a uniform system, the state aims to help consumers better distinguish between quality (peak freshness) and safety, thereby preventing perfectly good food from being prematurely discarded.

The goal was never to create an extreme enforcement program that would result in class action lawsuits and food recalls resulting from mislabeling the date on a food product.

AB 660 went into effect on July 1, 2026; we have only had one month of experience with the program. Our members have already started complying with the new date labeling requirements. There is no evidence that the program is not working, and drastic enforcement under the Sherman Food and Drug Act is required.

For these reasons, we must oppose AB 2779 if it is amended to move oversight of California's date labeling program from the Food and Agricultural Code to the Sherman Food and Drug Act.