

How plant-based meat is stretching New Zealand's cultural and legal boundaries

December 3 2019, by Samuel Becher and Jessica C Lai



Credit: AI-generated image ([disclaimer](#))

Earlier this year, the New Zealand-based pizza chain [Hell Pizza](#) offered a limited-edition "Burger Pizza." Its customers weren't told that the "meat" was plant-based.

Some customers [complained](#) to the Commerce Commission, which

enforces consumer law in New Zealand. Yet, [others](#) did not mind—or even appreciated—the move. The Commerce Commission, however, warned that the stunt likely breached consumer protection law.

Hell Pizza's ruse should catalyze discussion around the scope and purpose of consumer law, the culture of [meat](#) consumption and the future of animal farming. Under current law, "teaching through deception" is not possible. But we argue that consumer law needs to adopt a more nuanced approach.

Traditional legal approach

In October, the Commerce Commission [warned](#) the [pizza](#) chain that it had probably breached the [Fair Trading Act 1986](#). In particular, it had likely made false or misleading representations.

The Commerce Commission [stated](#) that a "burger traditionally includes a patty of minced beef" and "medium-rare is a term associated with meat, usually beef."

As a result, the pizza chain advised it had [no intention](#) of engaging in this kind of campaign again. Interestingly, the pizza company has recently announced that the [Burger Pizza is back on the menu](#).

Australia's consumer law around misleading and deceptive conduct is notably similar to New Zealand's. In Australia, [debates](#) around the meaning of the terms "milk," "seafood" and "meat" are taking place. These discussions present an opportunity to rethink some of our conventions.

When is meat meat?

The traditional need to protect [consumers](#) from deceptive practices is clear. That said, it is perhaps also time to nudge consumers to reconsider their preconceptions and consumption of meat.

Hell Pizza said it launched its plant-based meat product out of concerns for the future of the planet. According to the company, [80% of consumers did not have an issue with being duped](#), and 70% would order the pizza again.

There are a few good reasons to reduce the amount of meat we eat. [Research shows](#) that meat consumption is putting pressure on the environment. The amount of food and water required to raise animals for consumption [exceeds](#) the nutrient value humans get from consuming meat. Further, livestock create [waste and emissions](#) that contribute to climate change.

Plant-based meat may be more environmentally friendly. It also eliminates concerns around animal rights. Additionally, it is often perceived as a [healthier alternative](#).

Future foods

The plant-based meat industry faces two immediate challenges. The first is taste. If meat substitutes do not taste as good as animal-based meat, people will be [less willing to consume them](#).

The second main challenge is cost. If plant-based meat is significantly more expensive than animal-based meat, consumers may opt for the latter.

The cost of plant-based meat has become affordable enough for prominent market players, such as [Dominoes Pizza](#) and [Burger King](#), to offer plant-based products.

Hell Pizza was not the first New Zealand company to offer its consumers plant-based meat products. In another controversy, Air New Zealand offered plant-based burgers in the business cabin on selected flights. This led to some criticism, including the deputy prime minister, Winston Peters, who was acting [prime minister](#) at the time, complaining that it was a "[bad look](#)" for the airline not to promote New Zealand meat.

Such a response is short-sighted. Animal farming is an important industry in New Zealand, [contributing significantly](#) to the economy and social fabric. Because of its importance, New Zealanders should take seriously the potential impact of plant-based meat and the consequences of this emerging market.

Market disruption

Some companies have already stated their aspiration to completely [replace animals as a food production technology](#) by 2035. The meat industry is likely to use its power to protect its interests. But these interests are not the only ones that should be voiced and considered.

Instead of merely criticizing companies that offer meat alternatives and use innovative marketing tools to do so, we should embrace these initiatives as an opportunity to rethink some of our conventions. We need to adapt to new realities in ways that make our societies more ethical, while also encouraging consumers to be more mindful of the environment and health-related aspects of their foods.

The boundaries of consumer law should reflect this. The law regulates against misleading and deceptive conduct mainly because it is purportedly bad for consumers. However, the law should adopt a more holistic approach—one that considers the motivation for the allegedly misleading behavior.

Protecting consumers from deceptive conduct is not an end in itself. Perhaps the degree and context of the misleading behavior should be considered against other legitimate objectives. We believe that such legitimate objectives include caring for the environment, minimizing animal cruelty and advancing public health.

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