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Broad Coalition of Farmers, Dairy Product Makers, Packaging Manufacturers, Restaurants, and Grocers Sue California Over “Speech Ban” Law That Undermines Recycling and Violates the First Amendment

SACRAMENTO, Calif., March 17, 2026— A broad coalition of farmers, food producers, restaurants, packaging manufacturers, and grocers today filed a federal lawsuit challenging California’s SB 343 (2021), calling the law an unconstitutional restriction on free speech that will reduce recycling, confuse consumers, and increase cost pressures for California families. The lawsuit, filed in the U.S. District Court for the Southern District of California, argues that SB 343 operates as government-imposed censorship, prohibiting product makers from informing consumers when their packaging is recyclable unless the material satisfies rigid and arbitrary regulatory criteria set by the state. Plaintiffs are seeking a preliminary injunction to block enforcement of the law, which goes into effect on October 4, 2026 but is already causing businesses to change their labels.

Developing a circular economy depends on consumers knowing what and how to recycle. When a dairy farmer ships milk to a grocery store, when a restaurant sends food home in a container, when a food producer packages berries, nuts, or proteins, that packaging needs a clear path back into the recycling stream. SB 343 cuts off that communication. If companies cannot label recyclable packaging as recyclable, that packaging is far more likely to end up in a landfill.

“California is about to make it harder, not easier, for families to go green,” said Dairy Institute of California Executive Director Katie Davey. “SB 343 forces dairy product manufacturers to remove vital recycling guidance from the very cartons Californians rely on every day. This law ignores the reality of our recycling infrastructure and unconstitutionally restricts our right to provide transparent recycling instructions to consumers. We are seeking to stop this policy before it leads to more waste and disrupts our ability to deliver milk to California families and schools.”

At its core, the lawsuit challenges what plaintiffs describe as a sweeping content-based restriction on speech. SB 343 bars producers from using widely recognized recycling symbols and statements, even when factually accurate, unless the packaging meets state-

imposed recyclability criteria that do not reflect real-world recycling capabilities or local program variation. What's more, those criteria are vague and difficult to apply in practice, with the legality of a recyclable claim dependent on decisions of a multitude of recycling program operators that are outside the control and knowledge of producers.

Fundamentally, SB 343 makes it risky for businesses to label their products recyclable.

The complaint further alleges that SB 343 will not further its intent to increase recycling. Recycling systems depend on consumer participation, and consumer participation depends on clear guidance on the packaging. When recycling guidance disappears from the packaging, consumers lose the information they need about what belongs in recycling bins, creating confusion and reducing recycling participation. The plaintiffs also allege the law discourages investment in new recyclable materials, penalizing any innovation for even more sustainable packaging.

The plaintiffs are seeking a preliminary injunction to block enforcement of the law while the constitutional challenge proceeds. Companies are already facing penalties and enforcement risk for providing recycling guidance that does not comply with the statute, and the law is already chilling speech and increasing costs as companies alter or remove recycling labels to avoid liability.

Plaintiffs include the California Restaurant Association, Dairy Institute of California, California Grocers Association, Pet Food Institute, SNAC International, Californians for Affordable Packaging, California League of Food Producers, Flexible Packaging Association, the Print Creative Alliance, Grower-Shipper Association of Central California, California Table Grape Commission, California Strawberry Commission, California Apple Commission, California Blueberry Commission, Olive Oil Commission of California, California Walnut Commission, American Forest & Paper Association and the Western Growers Association.

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