

Florida AG Files Complaint Against Restaurant for Allegedly Deceptive “Locally Sourced” and “Sustainable” Claims

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Florida attorney general Pam Bondi filed [a complaint](#) last week against Icebox Cafe, L.C. alleging that the restaurant violated Florida’s Deceptive and Unfair Trade Practices Act by making misleading claims that its food products were “locally-sourced” and “sustainable.” The defendant operates a self-proclaimed “farm-to-table” restaurant in Miami Beach, along with select locations at airports.

According to the complaint, Icebox sought to capitalize on the market for locally sourced and sustainable food products by making false and misleading claims. For example, the Icebox Miami airport location claimed that its menu items were “farm-to-terminal” and “local,” but the company’s invoices indicate that almost none of the products were sourced from local farms and distributors, according to the action. The complaint also alleges that defendant’s menus contained representations that its products were from specific local farms and distributors, but its invoices again belied this assertion.

The complaint additionally identifies allegedly misleading claims about “wild” salmon and other fish that had been purportedly caught the same day it was sold to consumers. While the complaint doesn’t address the substantiation that the advertiser would have needed to support these claims, general advertising law principles require advertisers to have a reasonable basis to support such claims. The Florida AG points to Icebox’s invoices as evidence that the defendant lacked such a basis and could not support the claims.

The action is an important reminder that advertisers must consider how consumers are likely to interpret “locally sourced” and “sustainable” claims and ensure that they have substantiation to support those takeaways before making the claims. Unlike many claims for food products that are expressly defined by federal and/or state law, claims about local sourcing and sustainability are not generally defined. The action here, therefore, reinforces the need to consider substantiation both for claims subject to explicit standards and claims related to undefined terms that may be subject to varying interpretations by different consumers.

In this case, the complaint suggests that the defendant's invoices demonstrate that the claims were outright false, but one could imagine an instance where some consumers might consider the food sufficiently "local" and others might view the claim as deceptive. For example, is fish sold in Miami but harvested in north Florida "local"? What makes a product "sustainable"? Consumer perception evidence could be useful in these closer calls. It will be interesting to see whether the terms of any

settlement effectively set a new standard for these terms in Florida. Until then, the lesson for advertisers everywhere is to be precise when using such undefined but attractive language.