

Hellmann's Vs. Just Mayo – The Very Interesting Battle Within the Mayo Industry

Hampton Creek, a tiny food company that specializes in plant-based products, has received word from the FDA that their Just Mayo line of vegan spreads does not meet the standards set for mayonnaise and needs to change its misleading labels. Normally this wouldn't be news at all, but there are a few factors here making this more important than the average case of the FDA enforcing labeling laws.

Just Mayo is available virtually everywhere that food is sold in the United States, from Walmart, to Whole Foods, to 7-Eleven convenience stores. And since the product doesn't include eggs, it is perfectly positioned to take advantage of the recent egg shortage caused by avian influenza, a shortage The American Egg Board predicts could last for more than a year.

The New Kid on the Block

Just Mayo is obviously not the first vegan mayonnaise available for purchase at grocery stores. It is, however, the first one to seriously threaten conventional mayonnaise's spot in the marketplace.

Before a lawsuit was filed by Unilever in late 2014, Hampton Creek was enjoying its status as a startup darling, supported by tech and food luminaries like Bill Gates and Andrew Zimmern. It was perfectly positioned to take advantage of the cultural shift towards healthier, more eco-friendly food options.

Their promotional materials include the amount of water saved,

square feet of land preserved, grams of carbon emissions prevented, and the amounts of sodium, cholesterol, and saturated fats avoided with the use of Just Mayo. All of those allures sit on an even more appealing bottom line – CEO Josh Tetrick claims he’s able to provide all those benefits 30% cheaper than traditional manufacturing.

Within less than a year of its launch date, Just Mayo became the leading mayonnaise brand on shelves at Whole Foods and appeared on Walmart and Target shelves. When a new product takes off that quickly, the established leaders in the market sit up and take notice. In the case of Just Mayo, that notice was delivered on October 31, 2014 in the form of a lawsuit from Unilever, the corporate giant that manufactures and sells Hellmann’s Mayonnaise.

It Begins to Get Ugly

The lawsuit filed by Unilever alleges that Just Mayo does not fit the FDA standards for mayonnaise and that it is ruining the “entire product category” since it does not contain egg yolks in its ingredients. More importantly, they claim it is causing “serious irreparable harm to Unilever.” As a punishment for Hampton Creek’s deceptive packaging and false advertising, Unilever has a simple fix in mind: all Just Mayo products should be removed from store shelves, and Just Mayo should pay Unilever damages for irreparable harm.

David vs. Goliath

If we take Unilever at their word, this is serious, but the history and current industry labeling realities don’t really back Hellmann’s histrionic claims. For example, popular vegan companies like Earth Balance already have the word mayo prominently displayed on their vegan mayonnaise packaging.

Unilever, itself, is not as rigid in their own labeling as

they are trying to force Just Mayo to be. When Hampton Creek's CEO conducted a publicized search through Hellmann's website, Unilever scrambled to edit and take down pages that could prove their products and labels to be as non-compliant as those they were targeting.

Not every company that makes vegan mayo has aroused Unilever's ire. Just Mayo seems to be their only target, one that wasn't on their radar until they successfully expanded into mainstream stores and became a viable competitor. It's easy to see that the irreparable harm Unilever is claiming has more to do with their loss profits than concern over misleading labels.

The Actual Label

The label that's causing all the controversy is a fairly simple one. It is a natural brown color with text saying Just Mayo and the picture of a plant seedling surrounded by the outline of an egg. While the label does list the product as egg free, it isn't immediately clear that Just Mayo is a vegan product. Is this deceptive marketing? It could be seen as such, but it clearly wasn't an issue for the FDA until Unilever became upset.

Circumstances Favor the Bold

With a major lawsuit pending that is funded by the deep pockets of one of the world's largest corporations, most new companies would be probably be forced to bow out gracefully. Companies facing major lawsuits frequently see investors and markets draw back support. Hampton Creek, however, got a big break in May when avian influenza devastated farms in the Midwest, leading to the death of roughly 38 million chickens, 85% of which were laying hens. With egg production projected to be down more than 5% in 2015, Just Mayo is considered a hot commodity.

FDA Finally Gets Involved

After more than a year and a half of having no issues with Hampton Creek and their Just Mayo product, the FDA has made it clear that they will support the interests of big business on the issue of the Just Mayo label. Ironically, this action comes on the heels of former Hampton Creek employees revealing a blatant FDA violation – lemon juice concentrate was incorrectly labeled as lemon juice.

The FDA sent Hampton Creek a letter citing the misleading Just Mayo label as problematic and adding the fact that several of the ingredients in Just Mayo (pea protein, beta-carotene, and modified food starch) are not allowed in mayonnaise. The company was given three weeks to address these concerns.

Health Ridiculousness

The FDA also claims that the fat content in Just Mayo is too high for the product to claim it's heart-healthy. The fact that the agency responsible for regulating our food supply makes such outdated claims is as upsetting as the fact that they are holding companies operating in today's food culture to standards virtually unchanged since 1957 (when the mayonnaise definition was set). Fats have been portrayed as equal opportunity villains for years, but anyone paying attention to modern nutrition and health knows that when it comes to fat, quality makes a bigger impact than quantity.

Monounsaturated and polyunsaturated fats from whole food sources provide the body with energy, protect cell membranes, help you absorb essential vitamins and minerals, help blood clotting, and give protection against heart disease. These two types of fats are essential to life functions, and institutes of medicine the world over urge people to incorporate these fats into their diets as much as possible. But rather than listen to the research and focus on growing in their field,

the FDA is content to conduct business as usual.

It's All Business

It's easy to see this clash like a modern day food fairytale version of David and Goliath. Ideally, Hellmann's is picking on the saintly, vegan small company because they're making progress in the conventional marketplace. But like anything Big Business touches, there are more layers beneath the surface.

Unilever is undeniably a bully in this situation, but there are legitimate concerns with Hampton Creek's labeling practices. In the past, they have been caught mislabeling the lemon juice concentrate in their product. The actual design of the label gives no indication that this is anything other than conventional mayonnaise. The inclusion of the egg and the extremely simple name actually reinforces the idea that this is mayonnaise in its purest form...leaving the discovery of its lack of eggs to the discerning customer who reads the fine print.

There's also the issue of the oil chosen by Hampton Creek. Canola oil, the very basis of Just Mayo, is flawed from both a health and an environmental perspective. Even when the canola oil is non-GMO and expeller pressed, it's still highly processed. Canola oil studies with animals have shown that canola has adverse effects on a cellular level, and no studies on the long-term safety of canola oil in humans have been conducted.

That being said, we are talking about a vegan mayonnaise that is not only available to anyone and everyone regardless of their food location, but one that also competes with and possibly surpasses conventional mayonnaises. A large part of that may be due to the label, as there is nothing in the packaging that would suggest that this is anything but traditional mayonnaise. But the timing and specific complaints

from Unilever more than suggest that this is a lawsuit about business.

Even when it seems that there's a product on the market that can impact the country's health in a positive way, there are always issues. Big corporations are unwilling to allow serious competition, and serious threats are not only met with legal action, they are also met with the flexing of government muscle. Once again we see that Big Business exerts undue influence upon our government. And the FDA, the government authority in this conflict, has once again shown itself to be an unreliable bully for hire rather than the protector of our food and health.

Since they chose to use canola oil, lied about the lemon juice concentrate (and were outed by their own employees), and used deceptive packaging, it also feels like Hampton Creek is just another Big Business wannabe, more concerned with marketing and positioning than true health. Even their eco-friendly claims were contrived for marketing. Their greener footprint isn't due to their manufacturing practices, it's due to the fact that they do not use eggs. One cannot help but wonder if Hampton Creek and its products were conceived, marketed, and positioned so that it, too, can someday become just another big business that will in turn discourage small competitors with its own lawsuits.

Sources:

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