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Food & Consumer Packaged Goods Litigation

Court rules that ‘Kosher’ suit poses religious question; dismisses with prejudice

Wallace v. ConAgra Foods, Inc., No. 19HA-CV-123237 (Minn. Dist.): A state court judge dismissed with prejudice on First Amendment grounds this suit alleging that Hebrew National hot dog products were falsely advertised as "100% Kosher." Plaintiffs alleged that the method the defendant and its contractors used to slaughter cattle violates what they contend are "objective" standards of kosher slaughter. The court found that it lacked subject matter jurisdiction, because determining whether or not the products are kosher would require the court to substitute its judgment for that of rabbinical authorities on "this purely religious question." The case was removed to federal court but dismissed by the district court – again due to lack of subject matter jurisdiction concerning the religious nature of the questions presented – and then remanded to Minnesota state court on appeal by the Eighth Circuit. [Order.](#)

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