

# Sriracha: Lessons from the Legal Troubles of a Popular Hot Sauce

**Abstract:** This essay describes the recent “Sriracha Apocalypse” dispute between Huy Fong Foods, maker of the popular hot sauce Sriracha, and Irwindale, California. For six months, the world watched as it appeared that Huy Fong’s new plant would be legally shut down by this tiny Los Angeles suburb. Irwindale argued that odors and fumes from the grinding of jalapeño peppers to make Sriracha were creating a public nuisance. This seemed odd, considering that Irwindale had eagerly invited Huy Fong to relocate its

chile-grinding operations to their community and that air-quality regulators had not found a problem. The essay highlights three important lessons from this spicy legal drama regarding food and place, the legality of foodways, and California’s role in these contemporary food debates.

**Keywords:** Sriracha, hot sauce, Asian food, Vietnamese, California

THE WORDS “Factory under Fire for Fumes” and “Sriracha Apocalypse” were splashed across news headlines in 2013, when legal troubles threatened to halt production of the popular hot sauce, Sriracha (Memmott 2013; Bradford 2013). Sriracha fans across the United States and worldwide verged on panic. This spicy legal drama boiled for months.

Three important lessons emerge from this hot sauce fight. They regard the advantages and challenges of local food production, the fragile legality of foodways, and California’s role in these debates. Combining politics and gastronomic context, these lessons on place, legality, and California are invaluable for foodies, students of food and culture, and the food industry. These three points are explained below, after descriptions of Sriracha’s history, popularity, and recent move to Irwindale, California.

Pronounced “*si-ra-cha*” and named after a coastal town in Thailand, Sriracha is a hot sauce made by Huy Fong Foods. Huy Fong is a small family company run by founder David Tran, a refugee of Chinese descent who fled Vietnam thirty years ago (Shyong 2013; *bon appétit* 2013). Tran has made Sriracha in California since then (Edge 2009). Designed as “a rich man’s sauce at a poor man’s price” (Shyong 2013), Sriracha was created by Tran for Vietnamese *phở* soup. Currently, it is beloved as a go-to ingredient in Asian, taco, and fusion dishes, spicy sushi, and home-cooked creations. Used like ketchup or hot sauce, it is admired for its heat and direct taste, without smoky, lingering, or vinegar notes. *Bon appétit* named it Ingredient of the Year for 2010 and *Cook’s Illustrated* rated it the best-tasting hot sauce in 2012 (*bon appétit* 2013; Ferdman 2013).

Sriracha love has no boundaries. NASA astronauts take it on space missions. Its fire-engine-red color, green cap, and Chinese zodiac rooster image adorn T-shirts, baby bibs, socks, Halloween costumes, and more. Examples of its cross-cultural appeal include food fairs, a major league baseball team’s “Sriracha night,” and an electronic music festival (NightOut.com 2013; Rodell 2014; Seattle Mariners 2014). Such enthusiasm reflects a mix of the Asian condiment’s expanding appeal and hipster tastes. Sriracha is hot, and not just in a pepper sense.

## Sriracha Comes to Irwindale

In 2013, Huy Fong moved into its new \$40 million facilities, spanning over 655,000 square feet, in Irwindale, California, a San Gabriel Valley suburb of Los Angeles. Irwindale and Huy Fong worked together to buy the land and build the largest commercial real estate project in Los Angeles County in 2012. The factory won an award for best industrial project in Los Angeles and was noted for its green design and for recycling runoff water. Huy Fong invested heavily in Sriracha and Irwindale, and the company continues to grow, with sales steadily increasing ever since it first set up shop in nearby Rosemead in the 1980s. Recently reported figures put company sales between \$35 and \$65 million per year with over 20 million bottles produced annually (Shyong 2013; *bon appétit* 2013).

In 2013, the new plant was at risk of being shut down, after the city government sued Huy Fong in Los Angeles Superior Court. The saga began on October 28, when Irwindale argued that odors and fumes caused by grinding chiles created



FIGURE 1: *Huy Fong Foods, Inc. headquarters and processing plant, Irwindale, CA.*

"HUY FONG FOODS" BY ALIVEFREEHAPPY IS LICENSED UNDER CC BY 4.0.



FIGURE 2: *Sriracha bottles leaving the production line.*

"UNTITLED" BY PAUL NARVAEZ ON FLICKR IS LICENSED UNDER CC BY 2.0.

a public nuisance. Seeking a temporary restraining order, it asked the court to stop all Huy Fong operations.

Local governments employ the law of public nuisance to protect a community from harmful conditions, created by heavy industry, mining, factory smoke, slaughterhouses, and other businesses. Irwindale's Municipal Code defines a public nuisance as something "adverse or detrimental to the public peace, health, safety or general welfare" (City of Irwindale 2013: 8.08.010). California's Civil Code requires that public nuisances affect "an entire community or neighborhood, or considerable number of persons" (California Civil Code 2014: section 3480). Public nuisances are rare, since land-use and environmental regulations address these problems. Irwindale's actions immediately caught the public's attention. It all seemed rather odd: Irwindale had not only approved Huy Fong's relocation, but in 2009 had enticed the company with redevelopment funds to buy an empty mining pit for the plant (Vincent 2010).

By May 2014, the spicy legal drama cooled down. The threat of shutdown subsided, but not before the city and company had their names all over newspapers, tweets, and blogs across the globe. This legal drama offers significant lessons.

## Place Matters

The first lesson is that place matters. Specifically, Huy Fong's location poses advantages and challenges for food production. For Sriracha, *place* refers to the local and essential role Southern California plays in sauce making, providing raw materials and production facilities. *Place* also invokes a global aspect, with Sriracha demand expanding nationally and overseas, far beyond California. When Sriracha succeeds, local interests do not compete with global factors. Instead local and global players together contribute to this condiment and the consumer obsession that follows it. The "Sriracha Apocalypse"

illustrates how legal and political tensions may easily disrupt this sensitive local/global balance.

Sriracha production is almost an entirely local operation, an old-fashioned nod to locavore gastronomy. Sriracha's recipe is quite simple, calling for high-quality jalapeño chile peppers to be ground and then garlic, sugar, salt, vinegar, and preservatives added (Blackmore 2013). The chiles become unusable if not ground within a few hours of harvest. This fragility makes it difficult for large sauce producers to use freshly picked peppers. Most hot sauce makers use dried chiles or chile powder.

Sriracha chiles are locally sourced to guarantee quality and freshness. Huy Fong works solely with Underwood Ranches, in Ventura and Kern counties, less than a two-hour drive from Irwindale. They examine soil and weather conditions, when and where to plant, and production demand. Huy Fong only uses very spicy peppers, which must be as fresh as possible, not damaged, and lacking stems, dirt, or leaves (Underwood 2013). This attention to detail regarding the peppers and their commute to Irwindale is similar to the calculus that wineries and grape growers make concerning fruit and vine, weather conditions, and market prices.

Chile pepper farming requires a year of attention. Chiles are planted in the spring in greenhouses. They are transplanted to the ground in April to grow for a few months, but can only be harvested and consequently ground from late August to November. This annual process grinds 100 million pounds of chiles unloaded from trucks, carrying 20 tons of chiles each (Blackmore 2013). From ground chiles, Huy Fong makes Sriracha and its other two condiments, *sambal oelek* and chili garlic. It sources its garlic from Gilroy, California, about three hundred miles to the north. Local issues such as weather conditions and highway traffic, in this case on



FIGURE 3: *Chile peppers just before processing.*  
 "BEAUTIFUL" BY PAUL NARVAEZ ON FLICKR IS LICENSED UNDER CC BY 2.0.



FIGURE 4: *Recently picked chile peppers.*  
 "THIS IS WHERE IT STARTS. A TRUCK BRINGING IN FRESHLY PICKED PEPPERS" BY PAUL NARVAEZ ON FLICKR IS LICENSED UNDER CC BY 2.0.

Interstate 101 and State Routes 134 and 210, determine the availability of Sriracha's main ingredient.

Huy Fong also relies on the local business climate. It has capitalized on Irwindale's location and public support to construct manufacturing, storage, and corporate facilities. Irwindale's redevelopment agency secured the land and funding to build these headquarters. Irwindale is one of the few localities in Los Angeles County where vast open space can be purchased and easily converted for commercial use. The city has many empty gravel pits next to highways, providing easy access to destinations far beyond California. These moonlike craters have been unused for decades.

Because of its location and city support, Irwindale is vital to Huy Fong's expansion. Sriracha's gastronomic appeal depends on the local factors of chile sourcing and where the sauce is made. When it appeared as if Huy Fong operations might stop, this reliance became obvious. Huy Fong could not easily move away from the grinding of locally sourced peppers.

Similarly in terms of place, national and global forces fuel Sriracha's success. Huy Fong built the new headquarters to meet rising demand from overseas consumers. The company does not use advertising, yet Sriracha's popularity steadily rises. It had developed legions of fans long before the legal drama. This global devotion counts on Sriracha's taste, which in turn relies on local factors like specific ingredients and timing.

Recently, litigation news fueled powerful social media campaigns from cultlike fans, chefs, and food writers. Consumer attention quickly mobilized a worldwide outcry when news broke that production might stop. Fans frantically stocked up for a winter without Sriracha. For Sriracha to succeed, local and global forces must work together. A locally



FIGURE 5: *Sriracha bottles on the production line.*  
 "SRIRACHA FACTORY TOUR" BY SERENA GRACE IS LICENSED UNDER CC BY 2.0.

sourced food product feeds off of its global appeal while the sauce fires up demand far away from Californian chile crops. *Place*, where Sriracha is made and where it is eaten, contributes greatly to the sauce's exploding popularity.

### Food as a Nuisance?

The second lesson is that food items may be deemed illegal when they fuel political controversy. In general, farmers, chefs, foodies, and the food industry increasingly worry about these attacks on food freedom in the United States (Linnekin and Bachmann 2014). For Sriracha, a local legal dispute threatened to stop production and unravel Huy Fong's reliance on Irwindale.

Irwindale employed its municipal authority to declare a public nuisance, claiming that residents complained about “strong, offensive chili odors” from Huy Fong’s plant that irritated their eyes and throats, caused headaches, and interfered with enjoyment of life or property (L.A. Super. Ct. 2013). Seeking to protect residents, the city sought a court order to stop production (*ibid.*, 5). Irwindale said Huy Fong did not cooperate with requests to implement additional filter systems. Huy Fong claimed that the city would not stop making requests, even after it had acceded to prior demands to install air filters.<sup>5</sup>

These tensions provoked many legal maneuvers. Irwindale went to Los Angeles Superior Court for three proceedings in 2013, seeking orders to require additional filters or to stop operations. A trial date was set for November 2014. Next, Irwindale shifted its legal attack to its city council.

On February 26, Irwindale’s city council held public nuisance proceedings, when air-quality experts, residents, plant workers, San Gabriel Valley politicians, business organizations, and Huy Fong spoke about the alleged problems (Favot 2014b).<sup>6</sup> This included the owners of Huy Fong and Underwood Ranches. While a few Irwindale residents raised grievances about Huy Fong, neighbors in Rosemead, including a children’s nursery across the street, never complained. Area residents explained that there was no smell or that it was minimal and expected for sauce making.

Huy Fong, the city, and the state environmental agency—the South Coast Air Quality Management District (SCAQMD)—presented divergent opinions from air-quality experts. The consultants hired by Irwindale described what potentially caused the odors at specific times and during specific weather conditions. They emphasized potential scenarios, but the exact cause and how to find a remedy remained unclear. These inconclusive recommendations came months after initial complaints. Huy Fong argued that since the causes and remedies were unknown, a public nuisance determination was premature.

In April, the council determined that there was a public nuisance, despite the SCAQMD finding of no harmful effects from any fumes or odors (Gorman 2014). To quell consumer panic, Huy Fong quickly announced it had plenty of Sriracha in storage to avoid shortages (Shyong 2014a). Newspaper editorials criticized Irwindale for acting so quickly and for failing to await further evidence from the SCAQMD (OC Register Editorial Board 2013; Hernández-López 2014a).

By any account, only a miniscule number of residents complained. On October 31, in papers filed in court, Irwindale referred to eleven resident complaints.<sup>7</sup> The city council’s April 23 resolution declaring a public nuisance stated that “approximately thirty residents” have “raised concern about strong odors and other irritating symptoms” and described the

odors as “aggressive” and “spicy” (City of Irwindale 2014). Based on complaints filed with the SCAQMD, the *Pasadena Star News* reported that only sixty-one grievances were made, that four of those complaints were traceable to Huy Fong, and that the overwhelming number of grievances came from four households (Favot 2014a, 2014c). Even for a city of less than 1,500 residents, these numbers are minute.

Despite their small number, these gripes motivated city choices. Because of Irwindale’s small size, city leaders tend to cater to residential complaints, even when to the outside world these concerns appear overblown or absurd. Irwindale politics are closely contested, with recent elections for the mayor or council seats lost by only a vote or two. Fiery politics has a long history here, including the notorious “spiked enchilada” affair, when a council member’s enchiladas were laced with drugs, causing him to fall asleep and be the subject of compromising photographs with nude women. (Arax 1986; López 2014). In local terms, the odor grievances compelled city leaders to act against Huy Fong. It is presumed that such complaints can easily influence city council members, especially when they intend to seek re-election.

Meanwhile Sriracha polemics, like a spicy kick from the sauce itself, heated up from neighborhood grievance to global problem. As this went on for months, political attention mounted, with more voices chiming in, sparking ever-widening debates. The dispute quickly went from local, to regional, to state, to national. California legislators and county business associations urged the city to stop the proceedings, since they sent a hostile message to businesses. The *Los Angeles Times* Editorial Board (2014) pleaded with Irwindale to stop harassing Huy Fong or California would suffer. After the public nuisance declaration, Huy Fong announced plans for a possible relocation. Politicians from Texas, West Virginia, Ohio, and other states tried to lure Huy Fong to their cities. This spiced up interstate rivalries, especially debates about California being antibusiness with stifling regulations and hostile local rules. Republican politicians saw the issue as a way to court Latino and Asian voters (McNeal 2014). All of this attention, brewing in a small locality, only added pressure on Irwindale to stop these proceedings.

The controversy ended before Irwindale acted on its declaration, physically occupied Huy Fong, installed filters, or shut down operations. The office of the Governor of California mediated a resolution between the city and Huy Fong (Wilson 2014). On May 28, Irwindale dropped its lawsuit and ended the city council’s nuisance proceedings, months after Sriracha panic spread worldwide (Shyong 2014b).

Local factors both helped to ensure Sriracha’s success, guaranteeing production control and quality ingredients, and nearly brought the flow of Sriracha to a halt when the city

turned on Huy Fong. The lesson is that local politics can stimulate food production or shut it down. For any food item dependent on local ingredients, like Sriracha, this can mean legal and business disaster.

## California Food Polemics

The third lesson is that this crisis exemplifies how California is at the forefront of food polemics. California is a culinary innovator (Goldstein 2013). It is a state where foodways are increasingly made illegal by evolving tastes and moral questions about how food is eaten (Linnekin 2010). Sriracha became a controversy about a local community's response to multicultural food trends, their high-money industrial investments, and pressing global demand.

These polemics reflect other Californian food controversies. California is at the vanguard of food debates about how food is grown or produced, since it is the leading agricultural state in the nation. State responses to the drought, pesticides, labor practices, and food contamination are noticed nationwide. In 2013, California required food service workers to use gloves when handling any raw food product sold for immediate consumption. This limited the needed sensory feel for sushi chefs handling seafood and restricted how bartenders touched fruits and vegetables in mixology drinks. Worries about contaminated restaurant food spurred these policies, while critics argued that wholesale regulations eliminated food practices, such as with sushi or mixology. Accordingly, restaurants and chefs nationwide took note. Because of this criticism, the policy was repealed (Hallock 2014).

Consumer tastes similarly feed conflict in the Golden State. From 2008 to 2009, the city and county of Los Angeles cooked up a legal war on taco trucks, an admired and disdained tradition in Latino communities, and on trendy food trucks selling fusion, gourmet, and comfort food (Hernández-López 2011). Global media fixated on a Taco Truck War and the illegality of *carne asada* and Korean short-rib tacos. With the muscle of vocal fans, these food purveyors fought in court and in city hall for the space to operate. Since then, there has been similar food truck resistance in Chicago, Washington, DC, and other cities, shaping where people can eat and cook.

Food consumption also fuels moral debates in California. In 2011, the state passed a law banning the sale for consumption of shark fin, a delicacy in Chinese cuisine eaten as a soup for celebrations (Rogers 2013). A motivation for the ban was to send a global message that finning is harmful to sharks, often discarding the whole fish just for the fin. Environmentalists saw this as a victory. Others saw a long-held tradition removed from Chinese cuisine in California.



FIGURE 6: *Sriracha as a condiment for Vietnamese pho soup.*

"PHO AT GREEN LEAF IN SEATTLE" BY MAHALIE FROM INTERNATIONAL DISTRICT IS LICENSED UNDER CC BY 2.0.

The "Sriracha Apocalypse" reflects these agricultural and multicultural trends about how food is made and consumed in California. Huy Fong's business model depends on local agricultural growers. The legal conflict reflects cultural tensions suffered by migrant groups. In light of historic American complaints about Asian and Asian-American foodways and the racial makeup of Irwindale, scholars have described the Sriracha conflict as motivated by race.<sup>9</sup>

## A Sriracha Lens into the Future

Sriracha production continues after Irwindale and Huy Fong put their dispute to rest. So what conclusions can be drawn from these Sriracha lessons? Location and local supply are vital to the company's recipe for success. The city appears unaware of the impact of its choices. After months of drama, legal expenses paid by the city, and likely driving away business, Irwindale's Mayor Mark Breceda said, "We're almost sorry that this has gone on so long" (Shyong 2014b). To continue producing Sriracha at that same quality with traditional controls, Huy Fong will have to rely on Irwindale's cooperation, unless it relocates and finds other pepper sources. The company will arm itself with lawyers and fans and be more vigilant about the politics of a city known as the "Big Mac Capital," with a per capita ingestion of 337 Big Macs per year (Woestendiek 1998).

Huy Fong is both blessed and challenged by its location in California, a trend-setter in consumer tastes and legal food fights. The food industry should take note of how cities may arm themselves with nuisance law and public forums to act on local grievances. Sriracha fans love a food item that is historically dependent on how local actors meet global challenges. This is not easy. The sauce is admired because of its



FIGURE 7: Sriracha bottles ready for purchase.

"SRIRACHA" BY MEMPHIS CVB ON FLICKR IS LICENSED UNDER CC BY 2.0.

local sourcing and production controls. If global demand pushes beyond these capacities or Irwindale's approval, the sauce may run out or the current recipe may be compromised. A concluding sentiment: Sriracha is saved, but sauce lovers and sauce makers may have to hire lawyers, create media buzz, and kick up a political fire when the bottles can't be replaced. ☹

#### NOTES

1. See Declaration of David Tran in Opposition to Application for Temporary Restraining Order at 2, *People ex rel. City of Irwindale v. Huy Fong Foods, Inc.*, No. BC525856 (October 31, 2013).
2. I took notes for the February 26 public hearings. An abbreviated version of the public comments, produced by the city, is available in the city council's agenda when it approves activity from prior sessions. For the February 26 public hearing, see *Agenda for the Regular Meeting of the City Council, City of Irwindale* (April 9, 2014) at 19–27, [www.ci.irwindale.ca.us/AgendaCenter/ViewFile/Agenda/04092014-173](http://www.ci.irwindale.ca.us/AgendaCenter/ViewFile/Agenda/04092014-173).
3. See Plaintiffs' Ex Parte Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction at 6–9, *People ex rel. City of Irwindale v. Huy Fong Foods, Inc.*, No. BC525856 (October 28, 2013).
4. See Anita Mannur and Martin Manalansan, "Dude, What's That Smell? The Sriracha Shutdown and Immigrant Excess," *From the Square: NYU PRESS blog*, January 16, 2015, [www.fromthesquare.org/?p=5903](http://www.fromthesquare.org/?p=5903); Ernesto Hernández-López, "Sriracha Shutdown: Hot Sauce Lessons on Local Privilege and Race," *Seton Hall Law Review* 46 (forthcoming, 2015).

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