

Food giants back US consumers in battle for meaningful food labelling

Michael Levitin...

The contentious battle over mandatory GMO labelling rages on months after the deadline for federal regulation. Michael Levitin and Terry Slavin report

Two years after former US President Barack Obama signed a law mandating the disclosure of all genetically modified (GMO) ingredients on food packaging, the US Department of Agriculture (USDA) has overshot the July 31 deadline to bring in new food labelling laws, amid rising consumer opposition to GMO food.



The USDA received more than 14,000 comments when it published its proposed National Bioengineered Food Disclosure Standard in May, and though the consultation period ended July 3, Gregory Jaffe, the director of the Project on Biotechnology at the Center for Science in the Public Interest, suggests that it will be “several months” before the USDA publishes the new food labelling standards.

The USDA is now saying it will be January 2020 at the earliest before the regulations come into force for large food companies, and a year later for small ones.

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According to the USDA, “the standard will provide a uniform way to offer meaningful disclosure for consumers who want more information about their food and avoid a patchwork system of state or private labels that could be confusing for consumers and would likely drive up food costs.”

But consumer watchdog organizations warn that even when the standard does come into force, it will be so toothless that companies will not come under pressure to change their product formulations.

“I don't think it will affect whether or not companies leave GMOs in their products,” said Scott Cassel, founder and CEO of the Boston-based Product Stewardship Institute.



The draft law allows food firms to use the term 'bioengineered' instead of GM.
(Credit: USDA)

“There’s still a lot of education that needs to be done with consumers as to what genetic modification means and the risks involved with ingesting products that have been designed and manufactured with GMOs. But this law is a barrier to actually getting [them] the information, and that’s the intent of the law.”

GMO food is a highly contentious issue in the US, where some 90% of all soybeans and corn grown are genetically engineered. Supporters maintain that they have repeatedly been declared safe to consume, are easier to manage and cost-effective to use; opponents raise questions over safety, and fear the impact of GM crop farming on biodiversity and the environment and the dependency of smallholder farmers on a few seed companies.

Over the past 10 years, polls have consistently shown that more than 90% of Americans want to see labelling on all food products containing GMOs. Such labelling is mandatory in 60 other countries where GMOs are allowed.

Americans could end up as ignorant about the contents of their food as they were before the law was passed

In California in 2012 the food and beverage industry, along with agribusiness and biotech companies, spent more than \$45m to defeat Proposition 37, a measure widely supported by the public that would have established mandatory GMO labelling in the Golden State.

The next year, residents of Washington State voted down a measure to label GMOs, as companies such as Monsanto (\$5.4m) and DuPont (\$3.9m) participated in a \$30m bid to derail the initiative. (The Grocery Manufacturers Association was later fined \$18m for money-laundering, the largest ever penalty for US campaign finance violations, en route to defeating the measure.)

Colorado and Oregon suffered the same fate in 2014, with Oregon’s GMO labelling initiative losing by a [razor-thin margin](#) of 837 votes. Only in 2016 did voters succeed, for the first time passing a state-wide GMO labelling law in Vermont, only to see the measure overturned two weeks later when President Barack Obama signed the NBFDF.



Many Americans can't access QR labeling codes. (Credit: Monkey Business Images/Shutterstock)

Now consumer groups question just how strong, effective – and even marginally informative – the new federal mandatory labelling guidelines will be, with some saying Americans could end up as ignorant about the contents of their food as they were before the law was passed.

For one, the draft law allows food companies to avoid using the words “genetically modified”, “genetic engineering”, or “GMOs” in the labelling, instead mandating use of “bioengineered”, or BE, terms that are far less familiar to consumers.

Instead of text, manufacturers can choose to use a symbol that will be developed by the USDA. The three proposed symbols have been criticised for merely using the letters BE, rather than “bioengineered”, and two of the three resemble smiley faces, putting GMO in a positive light.

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Companies can also opt to use a QR code that consumers can scan with a smart

phone to find out whether the products contain GMOs.

“USDA’s own study found that QR codes are inherently discriminatory against one-third of Americans who do not own smartphones, and even more so against rural, low income and elderly populations, or those without access to the internet,” Andrew Kimbrell, executive director at the Center for Food Safety, told *New Food* magazine.

But the biggest question is whether the USDA final rule will exempt foods with a “highly refined” status, like cooking oils, sodas, sweets and other basic foods, something that sugar beet farmers are lobbying for, as the entire US sugar-beet crop is genetically engineered.

According to the Grocery Manufacturers Association (GMA), excluding refined ingredients would result in 78% fewer products being disclosed under the federal law.



Sugar-beet farmers are lobbying for refined products to be exempt. (Credit: symbiot/Shutterstock)

“The whole thing is a scam. Consumers are not going to get the information they have said all along that they want on packaging labels,” said Katherine Paul, associate director at the Organic Consumers Association, a national non-profit

advocacy group.

On the other hand, she suggested, “some companies can and might take it upon themselves to do a better job at labelling. There’s nothing to stop a company from going above and beyond the law.”

Many big international food companies, while defending the safety of bioengineered food, have for the past several years been quietly introducing non-GMO products in response to growing consumer demand, and are supporting a meaningful federal labelling scheme.

Campbell’s Soup was the first food company to announce it would begin disclosing the presence of GM organisms on its packaging

Many have products certified as GMO-free by the non-profit Non-GMO Project, which has seen sales of products with its label grow from \$3bn in 2013 to \$26bn last year.

Campbell’s Soup caused a stir in 2016 by becoming the first food company to announce that it would begin disclosing the presence of genetically modified organisms on its packaging. The label, which began appearing on its US retail products in 2017, reads: “The ingredients from (corn / soy / canola / sugar) in this product come from genetically modified crops”, and refers customers to visit a website, whatsinmyfood.com, revealing all the nice and not-so-nice stuff (MSGs, high fructose corn syrup, and so on) across its product portfolio.

Like other companies approached by Ethical Corporation, Campbell's Soup declined to be interviewed for this article. But Dave Stangis, the company’s chief sustainability officer, referred us to Campbell's [submission](#) to the USDA’s consultation.



A field of genetically modified wheat. Credit: Marcin Balcerzak/Shutterstock

In the submission, the company calls for the use of terminology more familiar to consumers (such as “GMO”) in mandatory labelling, and for companies to be allowed to identify specific BE ingredients, including those that are exempt from the legislation, in voluntary labelling schemes. The submission also says: “We support inclusion of highly refined BE foods in the definition of “bioengineered food” so that food originating from any listed crop will always be subject to disclosure unless otherwise exempt from labelling.

“According to our research, consumers want to know the BE status of the crop from which the ingredient is made (or is the ingredient itself), not whether refining or processing the crop removes genetic material prior to its use in food as an ingredient.”

Unilever and Hershey are among the big food companies that are supporting the use of GMO terminology and the inclusion of highly refined GM foods.

We either have to fight consumers or recognize that it's our responsibility to serve people on the sovereignty of their food

Unilever has been disclosing the use of GE ingredients in its products for the last few years by participating in the GMA's [SmartLabel](#) scheme, which allows consumers to scan barcodes on 28,000 products to get more information, including on ingredients and nutrition. Like Campbell's Soup, Unilever has also stepped up its acquisition of organic food companies in the past few years, including Pukka Herbs and Brazil's Mae Terra.

Emmanuel Faber, CEO of French food giant Danone, which last year acquired leading US organic food company WhiteWave, warned the Consumer Goods Forum's annual meeting in 2017 that the industry had to respond to consumer demand for products that contain fewer and healthier ingredients, and promote biodiversity rather than monocrops.

"We are losing customers. They are getting out of our shops, getting out of our brands and finding more sustainable alternatives," he said in an impassioned speech. "We either have to fight consumers or recognize as an industry that it's our responsibility to serve people on the sovereignty of their food."

[GMO](#) [bioengineered food](#) [USDA](#) [Danone](#) [SmartLabel](#) [genetically modified food](#)
[Organic Consumers Association](#) [Campbell's Soup](#) [Unilever](#) [Non-GMO Project](#)