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Agricultural Biotechnology: Labeling and Other Issues of Consumer Acceptance

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18 July 2012



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Agricultural Biotechnology

- In commercial use in U.S. since 1996. As of 2012:
 - Corn/maize: 88% of cropland
 - Soybeans: 93% of cropland
 - Cotton: 94% of cropland
 - *Source: USDA ERS July 2012*
 - Also very prevalent in sugarbeets, alfalfa, canola; most Hawaiian papayas; available for sweet corn and crookneck squash
 - Primary traits are insect-resistant (Bt) and herbicide-tolerant (“Roundup-Ready”)



Uses of crops in food supply

- About 11% of total corn crop enters food and beverage supply
- Soybean and canola oil widely used in food products
- Cottonseed oil also used
- Most white sugar in U.S. is from sugarbeets
- Estimated that 70%-80% of “center store” (package/processed) products contain genetically modified ingredients
- Also ubiquitous in animal feed (corn and soybean meal)



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Challenges on labeling

- **Ballot Initiatives**
 - California
 - Oregon
- **Legislation**
 - 20 states in 2012
- **Federal petitions**



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California

- “The California Right To Know Genetically Engineered Food Act”
- Placed on November 2012 ballot by petition; more than 900,000 signatures were gathered
- Will be Proposition 37



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Ballot statement (draft)

GENETICALLY ENGINEERED FOODS. MANDATORY LABELING. INITIATIVE STATUTE.

Requires labeling on raw or processed food offered for sale to consumers if made from plants or animals with genetic material changed in specified ways.

Prohibits labeling or advertising such food as “natural.”

(continued)



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Ballot statement (continued)

Exempts foods that are: certified organic; unintentionally produced with genetically engineered material; made from animals fed or injected with genetically engineered material but not genetically engineered themselves; processed with or containing only small amounts of genetically engineered ingredients; administered for treatment of medical conditions; sold for immediate consumption such as in a restaurant; or alcoholic beverages.

(continued)



Ballot statement (continued)

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government:

Potential increase in state administrative costs of up to one million dollars annually to monitor compliance with the disclosure requirements specified in the measure. Unknown, but potentially significant, costs for the courts, the Attorney General, and district attorneys due to litigation resulting from possible violations to the provisions of this measure.



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Supporters of initiative

- Attorney James Wheaton, drafter; wrote marijuana legalization 2010 (failed); has worked on other initiatives, including Prop 65
- Joseph Mercola, D.O., web site proprietor and purveyor of natural and organic products; has contributed \$800,000
- David Bronner, Dr. Bronner's Magic Soaps, \$290,000
- Nature's Path Food, \$240,000
- Organic Consumers Assn.: \$90,000



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Motivation

- Dr. Mercola: “Personally, I believe GM foods must be banned entirely, but labeling is the most efficient way to achieve this. Since 85 percent of the public will refuse to buy foods they know to be genetically modified, this will effectively eliminate them from the market just the way it was done in Europe.”



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Our coalition

- No on 37: Coalition Against the Deceptive Food Labeling Scheme
- Almost 100 groups representing agriculture, business, ethnic groups, foodmakers, retailers, taxpayers and others united in opposition to Prop 37
- <http://Noprop37.com>
- Will campaign and advertise against it



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OUR ARGUMENTS



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Prop 37 conflicts with science

- The U.S. Food and Drug Administration says GE labeling “would be inherently misleading.”
- Scientific and medical organizations accept biotech
 - U.S. National Academies
 - Professional groups such as Academy of Nutrition and Dietetics and American Medical Assn.:
 - *“There is no scientific justification for special labeling of bioengineered foods.”* AMA, June 2012



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Special Interest Exemptions

- Prop 37 requires labels on soy milk, but exempts cow's milk and dairy products.
- Fruit juice requires a label, but alcohol is exempt.
- Pet foods containing meat require labels, but meats for human consumption are exempt.
- Food products imported from other countries are exempt if sellers simply claim their products are "GE free."



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Bureaucracy and lawsuits

- State of California would have to monitor thousands of food products to ensure compliance
- Prop 37 authorizes private lawsuits, potentially exposing innocent farmers and grocers to damages



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Cost to business and consumers

- Prop 37 would force farmers and food companies to implement costly new operations or switch to higher-priced, non-GE or organic ingredients to sell food in California.
- Some products could be withdrawn from the market if the foodmaker is reluctant to change formulation for one state (even a big one)



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Outlook

- Cost of any statewide campaign in media-heavy California is substantial
- Because of the significant potential impact, biotech industry, foodmakers, and others are committed to defeating the proposition



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Oregon

- Activists circulated an initiative similar to California's for November ballot
- Legal challenges by business community left activists without enough time to gather signatures for this year; could be launched again next year
- Labeling initiative in 2002 was defeated after industry pointed out costs and red tape
- California 2012 was drafted to avoid mistakes of Oregon 2002



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Labeling bills at state level

- Bills were introduced in 20 states nationwide in 2012 (including California) and all have been managed successfully
- Connecticut and Vermont were last to go
- Likely that all bills and possibly more will come up next year – especially if California initiative passes



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Federal

- “Just Label It” coalition has submitted petitions to FDA:
 - “I am writing to urge the FDA to require the mandatory labeling of genetically engineered foods. I have a right to know about the food I eat and what I feed my family.”
- Coalition claims over 1 million supporters; FDA count is much lower



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FDA policy

- FDA position: no “material difference” in foods containing ingredients from genetically modified crops and foods made from conventional crops.
- “Companies are welcome to label their products on a voluntary basis as long as it’s truthful and not misleading, and it doesn’t imply that it’s somehow better than the conventional counterpart,” said Siobhan DeLancey, an FDA spokeswoman.



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White House petition

- White House maintains a petition site where anyone can submit a petition and is guaranteed a response if at least 25,000 people support it
- “President Obama, please listen to the American public and speak out in favor of the mandatory labeling of genetically engineered foods.”
- Quickly got 25,000 signatures and now has about 30,000
- WH expected to respond after election with statement of FDA position



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Public opinion

- Why the upsurge in activism and ballot initiatives?
 - Growing interest in “organic” foods
 - Lack of public knowledge of science
 - Ballot access a successful technique for activists (e.g., Humane Society)



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Industry response

- Work with allies and with scientific community to educate public on biotechnology
- Work with experts in political organizing and advertising to challenge activists at electoral level



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Thank You!

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