

*AgBiotech Planning Committee  
225 Reinekers Lane  
Suite 650  
Alexandria, VA 22314*

June 4, 2010

Michael R. Taylor, JD, Deputy Commissioner for Foods  
Office of Foods  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
White Oak Building 1  
Silver Spring, MD 20993

Dear Mr. Taylor:

AgBiotech Planning Committee (ABPC) members<sup>1</sup> support the United States Government's current labeling policy regarding "Voluntary Labeling Indicating whether Foods Have or Have Not Been Developed Using Bioengineering."<sup>2</sup> We further support the United States position presented during the Codex Committee on Food Labeling (CCFL) meeting in Quebec, Canada. This is the same proposal that was discussed and distributed in a public meeting in May and again in April of this year. During the Quebec meeting, the U.S. delegation advocated for the recognition of long standing, U.S. science-based policy on food labeling in lieu of the "Proposed Draft Recommendations for the Labeling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (GM/GE)."<sup>3</sup> The United States commented that current CCFL guidance on food labeling is sufficient to address the voluntary labeling of products derived through modern biotechnology. As detailed in those comments,

---

<sup>1</sup> ABPC is a coalition representing farmers, food processors and manufacturers, merchandisers and biotechnology providers that support the continued availability and marketability of products derived from agricultural biotechnology. ABPC has been a resource to administration officials over the past 10 years. We provide a forum for policymakers to discuss agriculture biotechnology issues and exchange information with the food chain groups. ABPC also strives to reach consensus positions on important biotechnology policy issues.

<sup>2</sup> "Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Not Been Developed Using Bioengineering; Draft Guidance (65 FR 56468, September, 2000, draft release for comment, January 2001, <http://www.fda.gov/Food/Guidance> , ComplianceRegulatoryInformation/GuidanceDocument.

<sup>3</sup> CX/FL 09/37/10 (CL 2008/11-FL, ALINORM 08/31/22- APPENDIX VII, & CL 2007/38/38/FL).

despite more than 14 years of work on this standard, the CCFL has been unable to reach consensus to move forward on this issue. Work should be discontinued, and Codex resources should focus on other important international labeling standards.

Longstanding U.S. labeling policies require information to consumers that is science-based and accurate, not misleading, fraudulent or deceptive. There are numerous Codex standards regarding food labeling (see footnote 3) that provide guidance regarding how countries protect consumers from false and misleading labeling information. The Food and Drug Administration (FDA) issued policy in 1992 stating that: “FDA has no basis for concluding that bioengineered foods differ from other foods in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any or greater safety concern than foods developed by traditional plant breeding.” The conclusion of the 1992 policy is that there is no need for additional labeling of biotechnology-derived foods solely based on their production method.

Our organizations reiterate support for FDA’s voluntary biotechnology labeling policy (see footnote 2). The draft guidance issued in 2000 received careful review and was published for public comment in the *Federal Register*. It outlines why labeling statements that include terms such as “genetically-modified (GM) free,” “not genetically modified” or “Genetically Modified Organism (GMO) free” are misleading. In addition to instructions regarding how to voluntarily label foods that have or have not been produced through modern biotechnology, FDA references USDA “certified organic” marketing standards that allow for additional consumer choice without the need for non-science based mandatory labeling requirements.

ABPC members object to mandatory labeling of foods solely based on production process. Under the current statutes and regulations of FDA and the U.S. Department of Agriculture, changes to foods require labeling only if the product has been significantly changed nutritionally or if there have been changes in other health-related characteristics of the food (allergenicity, toxicity or composition). To require the labeling of foods that are indistinguishable from foods produced through traditional methods would mislead consumers by falsely implying differences where none exist. It also risks diverting attention from important safety and nutritional information.

Thank you for your consideration. We look forward to discussing our views with you as the United States prepares for future Codex discussions on this important issue.

Sincerely,

American Farm Bureau Association  
American Seed Trade Association  
American Soybean Association  
American Sugarbeet Association  
Biotechnology Industry Organization  
Corn Refiners Association  
Grocery Manufacturers Association  
National Association of Wheat Growers  
National Corn Growers Association  
National Oilseed Processors Association  
National Cotton Council  
North American Millers Association  
U.S. Grains Council  
USA Rice Federation

cc: The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture