

CLIENT ALERT

U.S.D.A. Announces Plans to Implement a Non-GE Verification Program

May 2015

On May 1, 2015, Tom Vilsack, the Secretary of Agriculture, outlined the first non-genetically engineered (GE) ingredient Process Verified Program. The program, which would be run by the U.S. Department of Agriculture (U.S.D.A.), would be voluntary and would allow food manufacturers to pay a fee to have U.S.D.A. confirm their non-GE ingredient claims. Foods that successfully meet the program's requirements would be permitted to carry a "U.S.D.A. Process Verified" label, alongside a claim that the products are free of genetically engineered ingredients.

In making the announcement, Secretary Vilsack noted that this program is not a product of scientific research and analysis, or a desire to protect consumers from harmful products. Instead, it was sparked by the interests of "label-conscious consumers [who] rely on labels to get information about their food" and "producers [who] use verified labels and claims to help distinguish their products in the marketplace." Secretary Vilsack explained that the program originated when a "leading global company" asked for U.S.D.A.'s assistance in verifying that its ingredients were not GE. The Department worked with the company to develop a program to verify its non-GE claim.

The U.S.D.A.'s announcement, which was made the same week that a U.S. District Court declined to enjoin Vermont's GE ingredient labeling law, comes as a response to increasing public pressure for compulsory GE food labeling. It can be seen as an effort to head-off a potential patchwork of state laws that could present a compliance nightmare for food manufacturers. Whether this or other federal efforts to address GE labeling concerns, such as the recently re-introduced Safe and Accurate Food Labeling Act, will succeed in supplanting state labeling measures remains to be seen.

It will also be important to monitor what message consumers take from the "U.S.D.A. Process Verified" label. Secretary Vilsack was careful to emphasize that the program was intended to satisfy consumer interest and was not aimed at protecting consumers from harmful products. This is consistent with the position advanced by the U.S. Food and Drug Administration, that there is no nutritional difference between traditional ingredients and GE ingredients.

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