Statement of Opposition to HB 6527
An Act Concerning "Genetically Engineered" Baby Food
COMMITTEE ON CHILDREN
March 5, 2013

The Food and Drug Administration's (FDA) longstanding scientific judgment is there is no significant difference between foods produced using bioengineering, as a class, and their conventional counterparts. FDA's scientific evaluation of bioengineered foods continues to show that these foods are as safe as their conventional counterparts. Moreover, mandatory labeling to disclose that a product was produced through genetic engineering does not promote the public health in that it fails to provide material facts concerning the safety or nutritional aspects of food and may be misleading to consumers. Requiring labeling for ingredients that don't pose a health issue would undermine both our labeling laws and consumer confidence.

We are all concerned with the health and well being of infants and children and support parents having access to truthful, non-misleading information that is important to their family's health. We are parents and food consumers too. While HB 6527 appears well intended, it provides no increased safety or health benefit to infants but, instead, would serve to deliver a confusing message if not an outright product warning to the most sensitive of consumers: mothers, fathers and other caregivers responsible for making real important nutrition decisions for babies and small children.

Foods derived from plants and crops improved through the use of biotechnology are just as safe as foods developed from non-genetically engineered crops at any level for any human or animal. There is no data, studies or experience to suggest a potential harm to infants and children.

- The **U.S. Food and Drug Administration** has consistently held that *"…there is no significant difference between foods produced using bio-engineering, as a class, and their conventional counterparts."*

- Further, the **American Medical Association** stated: *"AMA believes that as of June 2012, there is no scientific justification for special labeling of bioengineered foods, as a class, and that voluntary labeling is without value unless it is accompanied by focused consumer education."*

- The **American Association for the Advancement of Science** released a statement in October 2012: *"It is the long-standing policy of the Food and Drug Administration (FDA) that special labeling of a food is required if the absence of the information provided poses a special health or environmental risk. The FDA does not require labeling of a food based on the specific genetic modification procedure used in the development of its input crops. Legally mandating such a label can only serve to mislead and falsely alarm consumers.…*"

No Health & Safety Difference Between Organic Food and Conventionally Produced Food

- In 2012, **The American Academy of Pediatrics** published a report of after reviewing the available studies on organic and conventionally produced foods and found there were no differences in safety and health. "There does not appear to be convincing evidence of a substantial difference in nutritional quality of organic versus conventional produce" and "One major concern with organic food is its higher price to consumers". Organic food and consumer health products typically cost 10% to 40% more than similar conventionally produced products. *"Organic Foods: Health and Environmental Advantages and Disadvantages", Pediatrics, Nov. 2012, Vol. 135, Number 5, The American Academy of Pediatrics. www.aap.org*

HB 6527 Would Hurt Consumers, Small Business and Farmers!

- While HB 6527 targets baby food, it is subject to the very same challenges that have made larger (and more comprehensive) genetically engineered food labeling proposals unworkable, unenforceable, unnecessary, and potentially unconstitutional.

- Mandatory labeling of foods derived from biotech-improved crops would unnecessarily result in higher food costs for consumers – especially those least able to afford it. The Connecticut-only labeling requirement could result in a decrease in the overall availability of baby food products including infant formula resulting in increased prices as competition lessened.

- The Connecticut-borne costs to enforce mandatory state labeling would be costly. If HB 6527 became law, ensuring such baby food labeling in Connecticut is accurate would put a huge burden on state regulatory agencies. This is unnecessary given the opportunity for all food producers to voluntarily label their products as "non-GMO."

- Costs to the state and therefore taxpayers could include: Increased state administrative costs to monitor and enforce baby food labeling requirements and potential state capital outlay costs for the construction of facilities to test baby food products.

- Connecticut farmers could be denied access to new technologies that would allow them to compete effectively in the marketplace now, and in the future.

Voluntary Labeling and Marketing Ensures Consumer Choice

- Parents who make the personal decision not to feed their children food that may be derived from crops improved through biotechnology can easily avoid such food products. They can purchase food and consumer products that are certified as organic under the USDA National Organic Marketing Program. They can also buy products which companies have voluntarily labeled as non-GMO. The FDA has published guidance to industry that voluntary labeling and marketing claims are permissible so long as the information is accurate, truthful and avoids misleading consumers about the food they are consuming.

HB 6527 May be Unconstitutional

- Requiring baby food companies to label their products when there is no health or safety reason to do so fails the substantial state interest test, undermines commercial free speech, most likely violates interstate commerce and is unconstitutional. In INTERNATIONAL DAIRY FOODS ASS'N v. AMESTOY, 92 F.3d 67 (1996) the court held food manufacturers could not be compelled to label dairy products as being made from the use of rbST (genetic engineering):

  "Consumer interest alone was insufficient to justify requiring a product's manufacturers to publish the functional equivalent of a warning about a production method that has no discernable impact on a final product."….Accordingly, we hold that consumer curiosity alone is not a strong enough state interest to sustain the compulsion of even an accurate, factual statement."

The undersigned groups respectfully urge The Children Committee to reject this bill.

THIRD PARTY RESOURCES

- Position Statements and Reports
  - American Association for the Advancement of Science (AAAS) Statement by the AAAS Board of Directors on Labeling of Genetically Modified Foods (2012)
  - American Medical Association (AMA) (2012) [or http://www.ama-assn.org/assets/meeting/2012a/a12-refcomm-e-report.pdf
  - European Commission report: A decade of EU-funded GMO research (2001-2010) (2010)
  - European Food Safety Authority (EFSA) report. Safety and nutritional assessment of GM plants and derived food and feed: The role of animal feeding trials (2008)
  - Institute of Food Technologists (IFT) Expert Report: Biotechnology and Foods (2000)
  - Food and Agriculture Organization (FAO)/United Nations (UN) Report: The State of Food and Agriculture 2003-2004: Agricultural Biotechnology Meeting the Needs of the Poor? (2004)
  - National Research Council/U.S. National Academy of Sciences (NAS) report on the Safety of Genetically Engineered Foods: Approaches to Assessing Unintended Health Effects (2004)
  - National Research Council/U.S. National Academy of Sciences (NAS) report on the Impact of Genetically Engineered Crops on Farm Sustainability in the United States (2010)
  - Society of Toxicology (SOT) Position Paper: The Safety of Genetically Modified Foods Produced through Biotechnology (2002)
  - World Health Organization (WHO). Modern food biotechnology, human health and development: an evidence-based study (2005)

- Expert Videos on Frequently Asked Questions about Food Biotechnology, including labeling
  - Center for Food Integrity (CFI)
  - International Food Information Council (IFIC)

Biotechnology Industry Organization (BIO), Connecticut Food Association, Connecticut Retail Merchants Association, Connecticut United for Research Excellence (CURE), Grocery Manufacturers Association and International Formula Council