



CHILDREN'S COMMITTEE TESTIMONY

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March 5, 2013

TESTIMONY IN OPPOSITION TO HB No. 6527: AN ACT CONCERNING GENETICALLY-ENGINEERED BABY FOOD

The Connecticut Food Association is the state trade association that conducts programs in public affairs, food safety, research, education and industry relations on behalf of its 240 member companies—food retailers, wholesalers, distributors, and service providers in the state of Connecticut. CFA's members in Connecticut operate approximately 300 retail food stores and 200 pharmacies. Their combined estimated annual sales volume of \$5.7 billion represents 75% of all retail food store sales in Connecticut. CFA's retail membership is composed of independent supermarkets, regional firms, and large multi-store chains employing over 30,000 associates. Our goal is to create a growth oriented economic climate that makes Connecticut more competitive with surrounding states.

The Connecticut Food Association (CFA) is opposed to HB No. 6527: An Act Concerning Genetically-Engineered Baby Food. CFA's members are concerned about the safety and health of children. The CFA agrees with the U.S. Food and Drug Administration (FDA) and numerous scientific bodies and regulatory agencies (World Health Organization, Food & Agriculture Organization of the United Nations, American Medical Association) that foods and beverages that contain genetically engineered ingredients are safe and they are materially no different than products that do not contain genetically modified ingredients. The FDA oversees the use of biotechnology in food in collaboration with the U.S. Department of Agriculture and the U.S. Environmental Protection to ensure its safe use. Labeling of products sold on an interstate basis should be regulated on a national basis.

I would like to make the following points:

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.

The CFA supports voluntary labeling of genetically-modified foods. Voluntary labeling and marketing ensures consumer choice: Individuals who make a personal decision not to consume food containing biotech-derived ingredients can easily avoid such products. In Connecticut, as well as throughout the United States, they can purchase products that are certified as organic under the USDA National Organic Program. They can buy baby foods which companies have voluntarily labeled as non-GMO. A consumer can assume a baby food product is genetically-modified if it is not certified organic or voluntary properly non-GMO labeled. **Non- GMO baby foods are readily available.** For example, the

popular brand, **Earth's Best's website states that " both genetically engineered ingredients and growth hormones are prohibited practices as enforced by the National Organic Program. Earth's Best organic products do not contain [genetically engineered ingredients \(GEIs\)](#)".** Connecticut supermarkets currently stock these brands which are labeled USDA Organic- Gerber Organic, Earth's Best, Sprout, Ella's Kitchen, and Plum Organics.

Some of Connecticut's multi-state grocery retailers sell private label baby food at a considerable price savings- approximately 15-20 %- compared to national brands. The cost to comply with the law could force the chains to remove their store brand from Connecticut store shelves and deprive Connecticut consumers of lower cost baby food. In today's economic climate, this is not the time to increase a consumer's food bill.

Has the effect of this bill on the WIC program been considered? WIC participants are the core consumers of baby food products in CT. WIC baby foods and infant formula are contracted on a long term basis as part of a multi-state contract. Will the current contract holders- Mead Johnson and Beechnut - modify their labels to meet the bill's requirements? By law, CT WIC vendors must have these products on hand at all times or else the vendor will lose their WIC license. The last date of sale wording in Section 2 paragraph (b) states that July 1, 2015 is the last date of sale for a non-labeled product. This date seems to conflict with the existing inventory sell date of July 1, 2016 provided it was purchased before October 1, 2013. Will stores be forced to remove baby foods from the shelves if not labeled and deprive WIC participants of required nutrition and cause the loss of a stores' WIC license?

Costs to the state and therefore taxpayers could include increased state administrative costs to monitor and enforce labeling requirements specified in the bill, potential one-time state capital outlay costs for the construction of facilities to test the genetic material of certain food products, and the potential costs for the courts, the Attorney General, and district attorneys due to litigation resulting from possible violations to the provisions of this bill.

The problem is that this law burdens the grocery retailer to be the watchdog on every label on every baby product from every manufacturer in our stores. We are also concerned that the bill changes the definition of "Natural Food" which goes beyond the scope of legislation affecting only baby food. Again, Connecticut would have a more restrictive definition of what constitutes natural foods and affect every product which has a natural claim on its label. If a label is legal and accurate to FDA or USDA standards and a supplier sells it in 49 other states based on Federal guidelines, how are we as retailers in Connecticut going to screen these products for accuracy on ingredients labeling, and keep them out of our stores.

Have you looked at the size of baby food labels? They are so small that there are difficult to read. Which of the 100's of baby food varieties would require the "produced with genetically modified ingredients"? Each jar or package would have to be visible inspected to see if it was properly labeled. Much of the time the sales force or brokers don't even know if a product is clean, or has GMO's in an ingredient, or is gluten free, or is natural, or is organic from a scientific standpoint; they just read the label like anyone else; trusting the national standards to do this job. If the label is accurate and legal on a national level, but now not legal in Connecticut why is the CT retailer the guilty party?

Moreover, HB 6527 may be Unconstitutional. Requiring 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 (bovine growth hormone). “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 discernible 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.”

At the time when the grocery industry is digesting the incremental labor costs of paid sick leave, potential minimum wage increases, the cost of federally mandated country of origin and nutritional labeling, this is not the time to burden the industry with these new costs. **Our consumers in Connecticut will ultimately pay the price in the form of higher costs for groceries simply to benefit a few overzealous organic product manufacturers and growers. It doesn't seem right at this time, in this economy, to allow this to happen instead of the legislators seeking a preemptive national guideline that can become a real long term and better thought out solution to this issue.**

For the above reasons, we respectfully ask that the Committee vote NO on HB 6527.