

GMO Labeling Explained – What You Need to Know About These Confounding, Loophole-Laden Rules

It has been two years since the U.S. Department of Agriculture passed the regulations mandating the labeling of genetically mandated ingredients. The finalized regulations that have recently been released leave much to be desired. Just Label It, a prominent organization devoted to mandatory GMO labeling, released a statement expressing their disappointment.

Specifically, we are deeply disappointed that the final rule does not clearly require the disclosure of all genetically engineered ingredients, including highly refined sugars and oils, and new GMO techniques like CRISPR and RNAi. The rule fails to require that foods be disclosed using terms that consumers understand like ‘genetically engineered’ or ‘GMO.’ And it leaves consumers in the dark if they live in rural places with poor cell service or don’t have smart phones.”

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Labeling Options

Companies have until 2022 to implement these regulations. There are a few GMO labeling options.

Companies can use clear wording to state the presence of genetically modified ingredients on their packaging. Instead of “G.M.O.” and “genetically engineered,” they can say “bioengineered” or “BE.”

Companies can use an electronic digital link like a QR code that consumers can read with a cell phone app that will inform the consumer of the ingredients. Such a link must be accompanied by the statement “Scan here for more food information,” or equivalent language.

The amended Act requires that the use of an electronic or digital link to disclose BE food must be accompanied by the statement, ‘Scan here for more food information’ or equivalent language’ – deemed too hard for shoppers. Regulated entities that choose this option are required to include a statement on the package that instructs consumers on how to receive a text message.”

Companies can use a friendly-looking symbol (and the symbol can also be black and white):



Additionally, a phone number or a web address to get more information are options for smaller manufacturers or for small packages.

There is also the “text message” option:

The NPRM proposed text message as an additional disclosure option if the Secretary were to determine that shoppers would not have sufficient access to digital or electronic

disclosure. Food manufacturers and retailers that commented on this option were generally supportive of this option. Thus, AMS is adopting the text message option in § 66.108. Regulated entities that choose this option are required to include a statement on the package that instructs consumers on how to receive a text message.

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There are companies like Campbell's, Mars, Danone, Kellogg's, Coca-Cola, and Unilever that will be labeling GMOs, regardless of the lax new regulations. Many international corporations, especially those that do business in Europe, already provide those labels. But there are many corporations that haven't made that same commitment.

Confusing Regulations With Loopholes

The new labeling system seems designed to frustrate all but the most bureaucratic-loving individuals. Companies have to sort through a myriad of expensive and time-consuming labeling conditions. Consumers aren't offered a simple way to identify GMO ingredients. Some ingredients won't even be labeled, including high fructose corn syrup, refined sugar beets, certain oils (like canola), and other refined products.

According to the labeling guidelines:

Thus, based on the available scientific evidence, refined beet and cane sugar, high fructose corn syrup, degummed refined vegetable oils, and various other refined ingredients are unlikely to require BE food disclosure because the conditions of processing serve effectively to degrade or eliminate the DNA that was initially present in the raw agricultural commodity."

While that may be true from a scientific standpoint, it only makes the new regulations problematic in the eyes of consumers. When corn is an ingredient it's almost always a GMO, and informed shoppers will know that. How much faith will they have in non-organic products containing corn that are not marked BE? This also ignores the possibility of customers choosing non-GMO products for environmental reasons. The refined product may not have any engineered DNA left in the final product but the corn (or beets) will still have been grown with the increased pesticides and other environmentally harmful practices associated with genetically modified crops.

And there are other exclusions.

Incidental additives will not require labeling.

Such an item will only trigger disclosure when it is used as an ingredient that is included on the ingredient list, not when used as an incidental additive.”□

To-Go foods are exempt.

Salads, soups, and other ready-to-eat items prepared by grocery stores are exempt from the disclosure requirements.”□

Meat and dairy from animals fed GMOs are exempt.

The amended Act prohibits a food derived from an animal from being considered a bioengineered food solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance.”□

Companies will be allowed to use the same equipment on GMO and non-GMO crops.

Gene-edited foods like CRISPR will be exempt.

Businesses with annual sales are less than \$2.5m are also

exempt.

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Foods like cheese or yogurt that are made with bioengineered yeasts or rennet are not exempt.

Nothing New

Sixty-four countries worldwide have managed to implement GMO labeling. But the new GMO labeling for the U.S. does the opposite of what it should do. These regulations are not convenient or clear. If anything they'll probably make grocery shopping even harder for many people.

Sources:

- *National Bioengineered Food Disclosure Standard – USDA*
- *Government lays out the rules for labeling for genetically modified foods – CNBC*
- *The USDA's Final Rule for GMO Labeling Stinks – Reason*
- *Statement from Just Label It on USDA's Final Rule for Nationwide Disclosures of GMO Foods – Just Label It*