**Join Bicameral Letter Asking FDA to Label Genetically Engineered Foods**

Dear Colleague:

As Americans we pride ourselves on our freedoms. Some of these freedoms strike at the most personal level, such as the freedom to choose what we eat and feed our families. However, our free and open markets can only be strong when they are accountable and transparent. When Americans are not provided accurate and essential information about the products they purchase they do not have the freedom to make choices. That is why we urge you to join us in support of a recent legal petition filed on behalf of over 400 organizations and businesses to urge the Food and Drug Administration (FDA) to require clear labeling of genetically engineered (GE) foods.

In a decades old policy, the FDA concluded that genetically engineered foods are not “materially different” from conventional foods and therefore do not require labeling. Consumers disagree. Polls have repeatedly shown that the overwhelming majority of Americans—over 90% in most polls—believe the federal government should require mandatory labeling of GE foods. Since the labeling petition was filed in October 2011, over half a million comments have been submitted in support of labeling.

Opponents of providing consumers this basic right to information will argue that it would only confuse consumers, be costly, or imply that the products are unsafe. Yet, the FDA requires the labeling of over 3,000 ingredients, additives, and processes; providing basic information doesn’t confuse the public, it empowers them to make choices. Absent labeling, consumers will continue to be deceived by current labeling practices. For example nearly 80% of processed foods on supermarket shelves contain GE ingredients, many marketed with labels such as “all natural” or “natural”.

We reject the false dichotomy that being for GE food labeling is being anti-GE foods. This isn’t a matter of being for or against GE foods, it’s a basic stance that consumers should be the ones to decide what they eat and feed their families. GE foods require labeling in nearly 50 countries around the world including Russia, Japan, China, Australia, New Zealand and many others.  The FDA should protect consumer rights and prevent consumer deception by requiring the labeling of GE foods. By giving American consumers information fundamental to their choices in the marketplace, we protect and promote the integrity and health of our economy.

Again, we hope you can join us in a letter of support to the FDA regarding the labeling petition. If you would like to sign on, or have any questions, please contact Joaquin Esquivel in Senator Boxer’s office at (202) 224-3553 or Megan DeBates in Congressman DeFazio’s office at (202) 225-6416.

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Barbara Boxer Peter DeFazio

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February xx, 2011

The Honorable Margaret Hamburg

Commissioner

Food and Drug Administration

5100 Paint Branch Parkway
College Park, MD 20740-3835

Dear Commissioner Hamburg,

We write to you in support of a recent legal petition, supported by over 400 organizations and businesses, to protect consumer rights and prevent consumer deception by requiring the labeling of genetically engineered foods. FDA’s regulatory regime for food labeling is inadequate and uses 19th century concepts to regulate 21st century food technologies.

As you know, in its 1992 policy statement, FDA allowed GE foods to be marketed without labeling because they were not “materially” different from other foods. In that policy statement, the agency severely limited what it considered “material” to only changes in food that could be recognized by taste, smell, or other senses. The use of novel food technologies like genetic engineering on a commercial scale has so far slipped underneath FDA’s limited threshold for “materiality” because such technologies make silent, genetic, and molecular changes to food that are not capable of being detected by human senses. In its 2009 guidance to industry, FDA applied its outdated GE food labeling policy to GE animals without revisiting the scientific or legal merits of the standard.  This decision is especially troubling given FDA’s current consideration of a GE salmon that would be the first genetically engineered animal for human consumption.

At issue is the fundamental right consumers have to make informed choices about the food they eat. Labeling foods doesn’t imply a product is unsafe or will be confusing to consumers as some may argue. The FDA requires the labeling of over 3,000 ingredients, additives, and processes; providing basic information doesn’t confuse the public, it empowers them to make choices. Absent labeling, Americans are unable to choose for themselves whether to purchase GE foods. Polls have consistently shown that consumers are not only surprised to know that GE foods are not identified, but that they want the federal government to label these products. Since the labeling petition was filed in October 2011, over half a million comments have been submitted in support of labeling.

The FDA has the opportunity and authority to do right by the American public. When issuing its rule requiring irradiated foods to be labeled FDA stated in broad terms that a decision to require labeling is not just based on the physical changes to the food but also on whether consumers view such information as important, and whether the omission of label information may mislead a consumer. The fact that FDA has already adopted this broad interpretation of “material” facts demonstrates that it is a reasonable—and therefore permissible—interpretation of the Federal Food, Drug, and Cosmetic Act (FFDCA).

We urge you to fully review the facts, law, and science, and side with the American public by requiring the labeling of genetically engineered foods as is done in nearly 50 countries throughout the world. FDA has a clear opportunity to protect a consumer’s right to know, the freedom to choose what we feed our families, and the integrity of our free and open markets with this petition. Thank you for your consideration.

Sincerely,

Cc: Kathleen Sebelius, Secretary of Health and Human Services

Michael Taylor, Deputy Commissioner for Food