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**NOTE:** Right to Know: A Diet of the Future Presently Upon Us

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**BIO:**

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**SUMMARY:**

... Although many sources have assured her that, so far, GM foods that are properly on the market have not had any known negative effects, the mother has also read that scientists are unsure how genetic modification will affect allergies because allergies are not yet well understood by science. ... The second reason that governments regulate product labeling is to promote health, safety, and other consumer interests. ... The FDA's policy toward GM foods assumes substantial equivalency, and so essentially holds the position that there is no distinction between food resulting from genetic modification by conventional breeding and that done by genetic engineering. ... For example, if a label contains "These tomatoes were genetically engineered to improve texture," the label would be misleading if the consumer would not be able to notice a textural difference. ... However, in the case of mandatory labeling of GM products, the government may be requiring disclosure of information where normally no information is provided at all, or where only the basic information is provided, and thus the labeling would not necessarily cure a problem of misleading advertising. ... '(3) The regulation must require that such a label not include any statement indicating or implying that a food product is more or less safe because it is or is not genetically engineered, unless such information can be substantiated by scientific research. ...

[\*1022] Furthermore, scientists disagree on a basic assumption regarding genetic engineering: whether GM foods should be assessed based on substantial equivalence. <sup>n77</sup> Substantial equivalence assumes that new plants or animals are safe if they are "not significantly different from comparable, nonengineered plants or animals used to produce food that is generally considered to be safe for consumers." <sup>n78</sup> Although many scientists agree that substantial equivalence is a reasonable method to use to determine the safety of new products developed by genetic modification, some scientists do not agree with this basic assumption because genetic modification often produces unintended and potentially undetected results. <sup>n79</sup> Also, some scientists do not adhere to the substantial equivalence assumption because the term "substantial [\*1023] equivalence" is not clearly defined, leaving room for misguided interpretation. <sup>n80</sup>

The public perception of GM foods, like that of the scientific community, is certainly not uniform, especially across the Atlantic. <sup>n81</sup> In Europe the public sentiment has been quite negative. <sup>n82</sup> Between 1992 [\*1024] and 1996, consumers in Europe formed activist groups that protested the new foods, and by fall of 1999, successfully convinced the UK and EU regulatory agencies to place moratoriums on the growth of these products and to stifle their import. <sup>n83</sup> Furthermore, Europeans appear to be becoming less supportive of biotechnology in general. <sup>n84</sup> In contrast, [\*1025] the attitude of Americans is more positive toward GM foods than in Europe. <sup>n85</sup> People in the United States generally support agricultural technology and are confident in the products and their regulation. <sup>n86</sup> However, both U.S. consumer support and paradoxically, opposition to GM foods, seem to be decreasing. <sup>n87</sup> Still, many in the United States are not in favor of GM foods; grassroots efforts have begun to lobby Congress and the President to pass legislation that would require GM foods in the United States to be labeled and more tightly regulated. <sup>n88</sup>

n83 Kim Brooks, *History, Change and Policy: Factors Leading to Current Opposition to Food Biotechnology*, 5 GEO. PUBLIC POL'Y REV. 153, 154 (2000) (proposing reasons why the United Kingdom has so vehemently rejected GM foods). Consumer concern has also been effective in convincing McDonald's to not use beef from cows that have been fed with GM foods in its Big Macs in Europe. Tom Carter, *EU Aide Suggests Labeling Products; Officials Disagree on Identifying Altered Foods*, THE WASHINGTON TIMES, Oct. 19, 2003, at A09. Furthermore, other large food producers, such as Heinz and Kraft, have stopped using GM ingredients in the products they sell in Europe. *Big Food Backtracks on Frankenstein Projects*, MKTG. WK., Oct. 23, 2003, at 22. In Australia, George Weston Foods, Bakers Delight, Muffin Break and Kellogg's all have a GM-free policy, and Dairy Farmers, Domino's Pizza, Starbucks and the Cheesecake Shop are headed in that same direction. *GM Foods: What Consumers Want*, SYDNEY MORNING HERALD, Sept. 12, 2003, at 14. Still, some attribute the European resistance to GM products by officials to trade protectionism because of Europe's technological disadvantage. See Lawrence A. Kogan, ***Ducking the Truth About Europe's GMO Policy***, INT'L HERALD TRIB., Nov. 27, 2004, at 6. The moratorium has effectively been lifted as the European Commission has allowed the import of corn this past summer and rape-seed this past winter. Jonathan Stearns, *Monsanto Moves Closer to Winning EU Rapeseed Approval*, BLOOMBERG NEWS, Dec. 20, 2004, available at LEXIS, News Library, ALLBBN File.