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Congress stirred into action on GMO labeling

By Marjorie S. Fochtman, Thomas E. Gaynor and Dia T. Kirby

Congress is considering controversial legislation that would have the effect of preempting state rules aimed at restricting labeling for foods containing genetically modified organisms (GMOs). Rather than a piecemeal approach of mandatory rules on GMO labeling across states, legislation under consideration by the Senate Agriculture Committee would create a voluntary federal food labeling program. The legislation would effectively invalidate rules that are slated to go into effect in states such as Vermont mandating labels for foods containing GMOs.

Opinions about a federal approach to labeling have varied. Some concerned parties have expressed that a voluntary labeling program would essentially limit the ability of consumers to know about the products they are consuming and how they are produced. Conversely, some companies have explained that patchwork labeling impedes commerce.

Kansas Senator Pat Roberts, a member of the Senate Agriculture Committee and the sponsor of the bill, said last Tuesday that absent federal action, “you are going to just have a hodgepodge where the food industry can’t sell their products.” Other Committee members echoed a similar sentiment. North Dakota Senator John Hoeven explained that if states have laws like Vermont’s, the impact “will be on consumers both in terms of not being able to get the product they want and in terms of cost.” Some cost concerns stem from the dollars that companies may be forced to spend in order to ensure their products do not include GMOs. This cost would undoubtedly be passed along to consumers.

Other Committee members advocate a different approach to federal labeling legislation. For example, Senator Debbie Stabenow of Michigan recommends a mandatory labeling program with a moratorium on state labeling laws that would last for two years rather than legislation that would completely preempt state law.

The Senate Agriculture Committee originally intended to meet to consider Senator Roberts’ bill on February 25, 2016. However, due to what was described as changes in the Senate floor schedule, the meeting has been postponed until Tuesday, March 1.

GMO food labeling will continue to be an important issue as this year progresses. We anticipate greater scrutiny of food labels from both consumers and legislators alike as the food labeling landscape continues to change.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

- Marjorie S. Fochtman, 415-984-8443, mfochtman@nixonpeabody.com
 - Thomas E. Gaynor, 415-984-8322, tgaynor@nixonpeabody.com
 - Dia T. Kirby, 415-984-8470, dkirby@nixonpeabody.com
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