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The GMO Dark Act Cannot Survive the Light. The Labeling of Genetically Engineered Foods

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An ardent attempt is afoot on Capitol Hill to prevent states from requiring the labeling of genetically engineered foods – made especially urgent by the fact that Vermont's labeling bill is set to take effect July 1st.

Although proponents of these foods scored a major victory in July when they induced the House of Representatives to pass a bill (HR 1599) that would ban such state-enacted legislation, a version of that bill has not yet been introduced in the Senate; and because of the intense focus on crafting and passing crucial legislation that will provide necessary funding to keep the federal government functioning, none is likely to be during this session. Accordingly, biotech advocates are endeavoring to get key provisions of HR 1599 attached as a rider to the must-pass appropriations bill – and sneak them into law without meaningful scrutiny and debate.

But this attempt could be quickly foiled by one simple occurrence: the dissemination of a few essential facts. Moreover, if these facts had been widely known in July, HR 1599 could not have even made it through the House. That's because the bill has always relied on disinformation – and could not survive an open airing of the truth.

The DARK Act's Survival Depends on Keeping People in the Dark

HR 1599 was artfully titled the "Safe and Accurate Food Labeling Act of 2015."

But because it would actually restrict the labeling of GE foods, public interest groups dubbed it the DARK Act (Denying Americans the Right to Know Act). Moreover, not only would that proposed legislation keep consumers in the dark, the legislators were significantly operating in the dark themselves. Indeed, it's safe to say that virtually every member of the House who voted on that bill – whether for or against – was mistaken about at least one of the key relevant facts.

The false belief that there are no legitimate safety concerns

Some of the greatest confusion involves food safety. For instance, the bill's sponsor, Congressman Pompeo, declared that consumer demands for labeling of GE foods have nothing to do with health or safety, and its other supporters have backed that assertion and proclaimed that no legitimate food safety concerns exist. Even the main witness who testified *against* the bill before a congressional committee in 2014 declared that there aren't any. But this is flat-out false. For example, science-based concerns about the dangers to human health were repeatedly raised in memos written by the technical experts at the U.S.

Food and Drug Administration (FDA) when they analyzed the risks of genetic engineering in 1991. The pervasiveness of the concerns within the scientific staff is attested by a memo from an FDA official who asserted: "The processes of genetic engineering and traditional breeding are different, and according to the technical experts in the agency, they lead to different risks."(1)

Such concerns have been expressed in subsequent years by numerous other scientists and scientific institutions as well, including the British Medical Association, the Public Health Association of Australia, and the respected medical journal *The Lancet*. One of the strongest set of cautions appeared within an extensive report issued by the Royal Society of Canada, which declared (a) that it is "scientifically unjustifiable" to presume that GE foods are safe and (b) that the "default presumption" for every one of them should be that the genetic alteration has induced unintended and potentially harmful side effects (2).

Laboratory testing has confirmed the legitimacy of the concerns, and a number of well-conducted research studies on GE foods published in peer-reviewed scientific journals have detected statistically significant instances of harm to the laboratory animals that were consigned to consume them. Moreover, a review of the scientific literature on GE foods (itself published in a peer-reviewed journal in 2009) concluded that "most" of the safety assessments have not only indicated problems, but indicated that "many GM [genetically modified] foods have some common toxic effects." (3)

The erroneous notion that the FDA is responsibly regulating GMOs

Confusion also reigns regarding the adequacy of federal regulation, and it's widely believed that the FDA is assiduously following the law and subjecting GE foods to rigorous scientific review. But in reality (and as will be seen), that agency has not conducted a genuinely scientific review for any GE food on the market, and far from following the law, it's been deliberately violating the law's express mandates in order to enable these products to be marketed without the kinds of testing that the law requires.

Accounting for the Confusion: The Decisive Role of Deception

The widespread misconceptions about GE foods have been created and sustained through the systematic spreading of disinformation by a large number of their proponents. Deplorably, one of the chief spreaders has been the FDA; and if that agency had not routinely distorted the facts – and instead told the truth – the GE food venture would almost surely have collapsed.

For instance, when the FDA issued its policy statement on GE foods in 1992, it claimed it was "not aware of any information showing that foods derived by these new methods differ from other foods in any meaningful or uniform way,"(4) despite the fact its files contained multiple memos from its own scientists explaining how GE foods do indeed differ, why they pose greater risks, and why none should be presumed safe unless its safety has been demonstrated through rigorous testing.

Moreover, the FDA compounded the fraud by claiming that GE foods were "Generally Recognized as Safe" among experts and could be marketed without the requirement of any safety testing at all, even though its files reveal that it knew there was no expert consensus – and even though the law mandates that foods containing novel substances must be established safe through solid technical evidence (5).

Furthermore, to create the illusion that responsible regulation was being exercised, the agency set up a voluntary consultation process that it claims affords "rigorous" review. But the process is not a genuine scientific review, and the FDA's Biotechnology Strategic Manager has acknowledged that fact – while admitting that the agency does not even request or receive any original test data (6).

The agency's shameful behavior continues, and although by now it is well aware of much more information showing that GE foods significantly differ from others, it persists in its bogus claim that it is "not aware" of any; and this blatant falsehood was repeated by an FDA official on October 21st at a hearing of the Senate Agriculture Committee. She also asserted that the consultation process is so rigorous that it resolves "all safety issues," which is not only misleading but ridiculous, because the process is far too superficial to achieve such certitude (7).

The Delusions Cannot Last Much Longer

Because the facts weigh so heavily against the GE food venture, and because it has relied on distorting them in order to survive, it cannot long endure. When enough people in general, or even a small number on Capitol Hill, finally learn the truth – and realize the extent to which the truth has been consistently twisted – there will be dramatic change. And if a sufficient dose of enlightenment were to soon suffuse The Hill, the Dark Act would be dead.

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Notes

1) Document 1 at http://biointegrity.org/24-fda-documents The FDA covered up the memos from its scientists, and they only came to light because a lawsuit initiated by the Alliance for Bio-Integrity compelled the agency to release its files on GE foods.
2) "Elements of Precaution: Recommendations for the Regulation of Food Biotechnology in Canada; An Expert Panel Report on the Future of Food Biotechnology prepared by The Royal Society of Canada at the request of Health Canada Canadian Food Inspection Agency and Environment Canada" The Royal Society of Canada, January 2001
3) Dona, A., and I. S. Arvanitouannis (2009) Health Risks of Genetically Modified Foods. Critical Reviews in Food Science and Nutrition 49: 164-75.
4) Statement of Policy: Foods Derived From New Plant Varieties, May 29, 1992, Federal Register vol. 57, No. 104 at 22991
5) The legal requirements are delineated at 21 CFR Sec. 170.30 (a-b). For a fuller explanation of what the law requires for GRAS status and how the FDA has been violating the requirements, see Chapter 5 of my book, Altered Genes, Twisted Truth, or my article, "Why the FDA's Policy on Genetically Engineered Foods is Unscientific, Irresponsible, and Illegal."
6) Maryanski, J., "Safety Assurance of Foods Derived by Modern Biotechnology in the United States," July 1996.
7) Statement of Susan Mayne, PhD, Director, FDA Center for Food Safety and Applied Nutrition, before the Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, October 21, 2015.

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