

## GMO & labeling in European Union

### Description

Following the many food scandals that have affected France and other European countries, an increasing number of consumers are concerned about the food on their plates. The possible presence of genetically modified organisms (GMOs) is one of these concerns. But it isn't always easy for consumers to follow and understand what lies behind the labels, if and when they exist. Although the European Union has effectively ruled on the obligation to inform consumers if the product contains GMOs, the impact of this regulation is considerably reduced by the number of exceptions that exist. Here are some explanations to help people to gain a better understanding of how GMOs are considered in food and help them to navigate between obligations and exceptions.

### Food containing GMOs should be labelled...

Food products that contain GMOs should state so on the label. This is European legislation, and is common to all Member States.

There is however a certain tolerance included in this regulation : in the case of "adventitious or technically unavoidable" presence of below 0.9% per ingredient, it is not compulsory to label the product. In other words, the minute there is a deliberate presence of a GMO in a food product, it should be labelled, irrespective of the level of GMO present. Likewise, the minute a product contains over 0.9% per ingredient, it must be labelled, even if the producer has done his/her best to avoid this contamination.

Within the European Union, few products mention the presence of GMOs. The European Commission has listed only about thirty references, mainly imported from the USA and Asia. These products are not widely present in supermarkets, as there is a general fear that consumers refusal of them would lead to their being eliminated from the supermarket's referenced products.

### ... but there are exceptions

In spite of the compulsory labelling, there are many exceptions that greatly reduce consumers' possibilities of informed choice of food. Industrial kitchens (school and company canteens...) are in no way obliged to indicate whether GMOs have been used in preparing the dishes. In France there is a possibility for managers to stipulate a certain number of criteria in their procurement process, such as 'organic produce' or quality labels (AOC, Label Rouge...) as well as 'GMO-free' labelling, certified GMO-free-fed animals or short circuit procurement... It is therefore possible for parents, elected representatives and those eating in canteens to take up this question, and overcome the gaps in European legislation ! It is, however necessary to put what regulations consider as GMOs into perspective. There are several different techniques that produce genetic modification. [\[1\]](#), but only one of these, transgenesis, effectively falls into the regulatory field of application of European legislation on GMOs. This is therefore the only one that is covered by the obligation to label GMOs. Citizens and consumers thus have no comeback on GMOs produced by other techniques that modify the genome

(such as mutagenesis), and that may nevertheless end up on our plates.

Another major exception is on animal produce (eggs, milk, cheese, meat). Because even if the animals were fed on GMO feed for their entire lives, there is no obligation to label this. And agribusiness has leaped into this gap in transparency : nowadays an estimated 70% of all animal feed contains GMOs.

European regulation on labelling GMOs is therefore more than incomplete and flawed, and does not enable consumers to make a real informed choice. Nevertheless there is a request for transparency on GMOS, particularly in the area of animal feed ; the 'GMO-free' label is an attempt to respond to this concern. The EU has left it up to Member States to enact national legislation that define what is included in the 'GMO-free' label. Germany, Austria, and France have legislation of this kind. But since 2011, the EU has been considering introducing European harmonisation on this subject, with a 'GMO-free' label common to all the Member States. They have launched a wide consultation on this subject [2]. Given the realities of the European legislative process, this labelling will not be introduced for several years. In the meanwhile, national labelling remains relevant.

## **French 'GMO-free'**

Since July 2012 [3], French producers can showcase their produce by using the 'GMO-free' label if their fruit and vegetables have not been genetically modified, or the animals not been fed on GMO feed.

There are several different claims and approaches. It is thus possible to find labels that state 'GMO-free < 0.1%' on certain products, but only where a GMO equivalent exists, such as soy or maize. A tin that has not been labelled can imply that there is no GM equivalent (for example in the case of green beans...), or that the farmer did not wish to showcase his product as being GMO-free, or again that he can not guarantee that the level of GMO is < to 0.1%. It is also worth bearing in mind that if there is a GMO presence of over 0.9%, that the product must then be labelled as containing GMOs.

'GMO-free' is also applicable to meat and fish : 'raised GMO-free < 0.1%', or 'raised GMO-free < 0.9%'. Milk and eggs and processed food may also include 'from animals raised GMO-free < 0.1%', or 'from animals raised GMO-free 0.9%'. This label only applies to animals have been raised without GMOs 'for their entire life', even if there some adaptation to these regulations is possible.

Finally honey and apicultural produce can be labelled 'No GMOs within a radius of 3 kilometres'.

The different thresholds for 'GMO-free' in France should not be considered as allowing 'a little' GMO into a product that is otherwise labelled as GMO-free. All voluntary use of GMOs, as we have seen, effectively excludes any product from being labelled as GMO-free. On the contrary, these thresholds provide a safety margin for producers : an overly restrictive threshold would not have enabled a GMO-free chain to be created, as it is very complicated, even impossible to guarantee the total absence of GMOs.

These various 'GMO-free' labels that we have described are included in the list of ingredients, after each ingredient in question. It may also be found on the front of packaging where the ingredient represents over 95% of the overall weight of the product (with the exceptions of water and salt). In practice, only non-processed products (such as meat or fish) or simple products (natural yoghurts) may

be labelled in this way. For products that contain many different ingredients, more visible labelling is not allowed, given the high rate of 95%. So it is up to consumers to keep their eyes open and decode the lists of different ingredients, even if it is highly unlikely that the agribusiness industry will bother to include 'GMO-free', unless they are able to really communicate on the effort they are making and increasing their visibility...

Although there are an increasing number of GMO-free products in France, they are still not very visible to consumers. German and Austrian 'GMO-free' products may be more demanding in terms of their specifications (such as the time-span of non-GMO animal feed), but they have been highly successful : many products are available and they very popular. This success is encouraging producers to move to GMO-free animal feed [4].

## **Alternatives that enable 'GMO-free' consumption**

Other labels have eliminated GMOs from their production methods, including in the case of animal feedstuff. This is the case for example of organic agriculture. The specifications that now apply at European level, forbid the use of GMOs in products and animal feed, although there is a tolerance level of 0.9% (as long as this presence is obviously "unintentional but technically unavoidable"). Some specifications have decided to go even further and to totally ban GMOs. This is the case of Bio coherence, Demeter and Nature et Progrès.

Some quality labels that combine know-how and local produce have decided to exclude GMOs for animal feed, such as PAO (Protected Appellations of Origin), DPO (Designation of Protected Origin) and PGO (Protected Geographical Origin), Red Labels... But this becomes very puzzling for consumers, as not all these quality labels systematically do this. And those that do, do not systematically promote it by 'GMO-free' labelling, for fear of swamping consumers with too much information (that which specifically refers to DPO, 'GMO-free', and possibly other environmental approaches...). The National Institute of Origins and Labelling (INAO), that is responsible for ensuring implementation of French policy on official identification of origin and quality, does not facilitate transparency on the 'GMO-free' nature of labelling certain products for which it is responsible [5]. To get the information, you have to consult the specifications for each product, and this isn't easy to do when you are doing your shopping...

So it isn't easy for people who want to avoid eating GMOs. Consumers need to juggle between various labels to buy the kind of food they want. Yet this information is essential because it is also through consumption that citizens can ensure their voices are heard and support the kind of agriculture that they want, both now and in the future. Patchy or lack of labelling is something that denies consumers their right to choose.

### **Date Created**

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