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013-075 NPO

The Portfolio Committee Chairman.  
Dept of Trade and Industry.  
Private Bag X84, Pretoria.  
Attn: Mr Ben Martins  
22 October 2008.

Dear Sir,

Consumer Protection Bill - an urgent appeal from food science professionals in South Africa

This is an urgent appeal from food science and technology professionals in South Africa, in the spirit of ubuntu and in the interests of alleviating poverty in our country, to please exercise whatever influence you can in order to have section 24(6) permanently removed from the Consumer Protection Bill or at least until such time as its impact on the cost of staple foods has been fully considered and assessed.

The clause calls for the mandatory labelling of food derived from crops that have been improved through transgenesis, commonly known as "genetic modification". Certain genetically improved crops such as maize and soya have been approved for planting and consumption by the GMO Executive Council that regulates all aspects of genetically modified organisms in South Africa in terms of the GMO Act 15/1997. These crops have been safely consumed by South Africans for many years without mandatory labelling - this in accordance with health and safety guidelines set out by the Codex Alimentarius, which is the international food code of the World Health Organisation (WHO) and the Food and Agriculture Organisation (FAO) of the United Nations and to which the South African government subscribes.

Section 24(6) was inserted at the last minute to appease a minority which has been insisting on the public's "right to know" and "right to choose". This Association believes that a more important right of the people of South Africa is to have access to affordable, plentiful, safe and wholesome food which genetic improvement can help provide but which careless compulsory labelling can hinder. SAAFoST also believes that food labelling regulations should be formulated in a scientific way and by the appropriate and relevant government departments so that they are cost effective, applicable to the product and situation, reliable and useful to the consumer, achievable by the manufacturer, and analytically verifiable by testing laboratories in order that they may be monitored and enforced by the authorities as necessary. Section 24(6) meets none of these requirements. It is a "nice to have" luxury but it is based on sentiment and not on science nor on food safety issues or nutrition. It has also not taken into account the requirements of the needy in this country. Analytical testing for genetically improved crops and ingredients is not only expensive, but is insufficiently comprehensive and insufficiently reliable to be able to properly monitor and enforce the mandatory labelling envisaged. South African consumers, particularly those that depend on low cost staples, will have to bear the financial cost of this inappropriate, unattainable and unenforceable clause - this is not in keeping with a consumer "protection" bill. Kindly refer to the addendum to this letter for additional information relating to this debate.

SAAFoST is an education-oriented, non-profit organisation for food science professionals. It is essentially volunteer run, operates from centres in Durban, Cape Town and Gauteng and is funded largely by yearly subscriptions received from about 1,500 members. The Association is committed to advancing food science and related technologies for the supply of safe and wholesome food and to upholding professional standards of competence and integrity. It administers the Food Advisory Consumer Service (FACS) which provides factually correct information on topical food and nutrition issues for the public. Please contact the writer at any time to elaborate on the contents of this letter or to make any other contributions deemed necessary from an independent scientific source.

Yours faithfully,

Owen Frisby  
Executive Director.  
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Professional website: [www.saafoST.org.za](http://www.saafoST.org.za)  
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World Congress website: [www.iufoST2010.org.za](http://www.iufoST2010.org.za)  
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*SAAFoST - host of the 15th, International, Union of Food Science and Technology (IUFOST) World Congress, in 2010, in Cape Town.*

Cc: Mr Jabu Sibiyi, Chair, National Council of Provinces  
Cc: SAAFoST Member Website

## ADDENDUM

### Background Information in Support of the SAAFoST Letter

#### Compulsory GM labelling has been rejected before:

An earlier version of the Consumer Protection Bill did contain a similar compulsory genetic modification labelling clause but it was, quite correctly, removed by the Department of Trade and Industry, after consultation with the appropriate food sector stakeholders such as the Dept of Health, the Dept of Agriculture, the food industry and allied organisations and associations. No indication was given that this important and consensus based stakeholder decision could or would be reversed.

#### Section 26(4) was re-added without due consultation:

A compulsory GM labeling clause was re-included at the final stages by the DTI Portfolio Committee after a “public” meeting that vital role players were not made aware of nor invited to attend. The meeting was however, attended by a fringe group of agrifood outsiders opposed to the South African government’s support for the genetic improvement of crops who were able to overturn a consensus based decision that had already been reached by important government departments, companies and organizations that are active in and that are representative of the agrifood industry in SA. This outcome is of serious concern. If inter-departmental recognition, respect and co-operation is not improved, South Africa, as a biotechnology powerhouse in Africa will lose its lead and its expertise in the genetic improvement of crops for the benefit of its people.

#### The DTI and food labelling:

Trade and Industry is not the appropriate Department to be dealing with genetic modification and food labelling - it is the Dept of Health and the National Dept Of Agriculture that should be involved. As matters stand, South Africa is already facing heavy criticism from trading partners and Codex because of the complexity and trade barrier effect of food regulations and the lack of a single food control authority in this country.

#### Section 24(6) is in conflict with existing legislation:

The current labelling requirement of the Dept of Health, which is in accordance with international Codex Alimentarius guidelines, is that “GM” labelling is not required unless the genetically improved grain or ingredients produced from it (e.g. mealie meal Maizena, etc), is substantially different from the non-improved variety. Presently, it is the maize plant itself that has been improved to grow and produce more grain - the quality, safety and nutrition value of the grain or the mealie meal produced from it is unchanged. Future crops can be improved to provide more nutrition, such as proteins and vitamins. The agrifood sector in SA looks forward to that time but is concerned that elements unsympathetic to the needs of subsistence farmers and the poor, hungry and malnourished may be able to hinder progress.

#### Why mandatory labelling of foods derived from genetic improvement will not work:

Simply put, if it cannot be proved that a food product is or is not genetically improved then the truth of a “GM” statement on a label cannot be substantiated. If it cannot be substantiated or proved, it cannot be enforced. If it cannot be enforced, it cannot be made mandatory. While a combination of analytical tests can be fairly reliable when used on the basic raw materials (e.g. seed, grain), they can become very unreliable and even useless when used on products made from the same raw materials (oil, starch, cooked sauces, etc). In other words some genetically improved crops and ingredients can be tested for GM and some cannot. Unless all products across the spectrum can be tested, there is no point in trying to test them in order to enforce a labelling clause. The only way to overcome this is to avoid analytical tests by keeping genetically modified and conventional crops apart in a dual system of production and processing, starting from the point where the certified seed for planting is purchased, to where the final product is packaged - an extremely expensive and impractical option. This would require an infrastructure of inspection, auditing, analytical testing and certification throughout the chain. It would also have to ensure that no mixing takes place - by separating farms and grain storage silos and processing and packaging runs in factories including flour mills, oil mills, bakeries, canneries, etc. Estimates are that the additional necessary infrastructure and duplication of facilities required could raise food prices by between ten and twenty percent. This would be a very heavy burden on consumers. Fortunately, the option of “organic” food is open to those who insist on a “right to know” and “right to choose” and who oppose the genetic improvement of crops.

#### Genetically improved crops and subsistence farming:

Maize and soya are examples of genetically improved food staples being farmed in South Africa - they have been developed in order to (i) resist insect attack and so prevent losses without having to use pesticides and (ii) to be herbicide tolerant so that they can be planted without having to plough and till the land for planting or harrowing it afterwards to remove weeds. The benefit to subsistence farmers of these production traits as well as future nutritional improvements that are already in the pipeline, is self-evident. Compulsory labelling will do nothing to improve the lot of the agriculturally marginalized but much to frustrate them.