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Dept of Trade and Industry  
Attn: Mr Ntutuzelo Vananda  
77 Meintjies St  
Sunnyside Pretoria  
8 November 2012.

Dear Mr Vananda,

Draft Amendment Regulations on Consumer Protection Act Regulations, 2011.  
Product Labelling and Trade Descriptions: Genetically Modified Organisms. Notice 824 of 2012 refers

The South African Association for Food Science and Technology, a fifty two year old, largely volunteer run, education oriented Association for food and related science and technology professionals in South Africa, with some 2,000 individual and company members countrywide, wishes to comment as follows on the above.

The Association is of the opinion that the labeling of genetically modified ingredients and components in foodstuffs is more than adequately covered by the Dept of Health's, "Regulations Relating to the Labelling of Foodstuffs Obtained Through Certain Techniques of Genetic Modification" and that the GMO labelling and current draft amendment proposed for food by the DTI should be scrapped in its entirety. It is inappropriate, unnecessary and poorly drafted and cannot be properly implemented nor enforced. The regulations are not scientifically sound, have not been formulated through consultation with scientists, serve no purpose regarding food safety, health and nutrition and are of no benefit to the South African public, nor do they offer any protection whatsoever to the South African consumer. In fact, the implementation of these regulations and or amendments as they currently stand will merely result in further industry and public confusion, more expensive and time consuming litigation and a no-benefit increase in basic food prices which millions of local consumers can ill afford and which the Department of Trade and Industry, itself acting against the spirit of its very own Consumer Protection Act in this instance, will have to accept responsibility for.

Genetically improved maize and soya crops, such as have been approved by the local GMO Executive Council in terms of the GMO Act 15/1997, and in accordance with health and safety guidelines set out by Codex Alimentarius, 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, including the Departments of Health, Science and Technology, Agriculture, Forestry and Fisheries subscribe, are safe and have been safely consumed for over a decade by many millions of consumers in South Africa and other countries such as the USA. The responsible use of GM technology is here to stay, its safety has been proven by globally accepted risk assessment procedures and has been further supported by many other credible international agencies, including, but not limited to, the European Commission, The French Academy of Medicine, The American Medical Association, The American Society of Toxicology, The Institute of Food Technologists and the Organisation for Economic Co-operation and Development (OECD). Consequently, enforcing GM labelling, when the opinion of the world's most credible scientific organisations are in favour of GM technology, is insinuating that perfectly safe food is somehow suspect and less than safe which is misleading, even hypocritical and not by any stretch of the imagination, a consumer friendly or consumer confidence inspiring action. It is also playing into the hands of organisations who, for various reasons best known to themselves, are using and abusing the labelling issue to obstruct the science and technology of genetic modification worldwide, despite its universal acceptance as described above.

Some apparently foreign-funded international vested-interest groups - note, not local consumer groups such as SANCU (SA National Consumer Union) or any other major local consumer groups as far as is known, have been campaigning for the, "right to know" via compulsory labelling, whether or not foods have been genetically modified or contain genetically modified ingredients. This is a notable side issue of freedom of choice that can and will be easily satisfied in the niche market place by products making, "No GM", claims in much the same way that organic produce is able to make, "No Pesticide"

claims. It is not necessary, nor wise, to resort to compulsory, all-encompassing labelling of the large bulk of South African produce that will impact on the very real, life and death issue of basic food prices - especially if the only need to do so is to placate a tiny, vociferous, misinformed, progress retarding minority. Furthermore, is the, "right to know" whether fertilizer, pesticide, herbicide or scarecrows have been used in producing a foodstuff any less important? Where should the line be drawn?

Unfortunately, slick, sophisticated, internationally funded and experienced anti-GM scaremongering lobbyists appears to have taken centre stage in South Africa and assumed the role of opinion formers. This, at the expense of local consumers, food scientists and registered natural scientists whose opinions, experience and knowledge appear not to be sought nor valued. This lack of consultation with experts in the formulation of regulations that will have a critical impact on South African society, can have far reaching and serious consequences - one of which might be the wide distribution, by the lobbyists, of the misleading consumer terrifying and CPA taunting document below (Addendum 1), to the South African consumer once the, "Genetically Modified" label appears on mealie meal bags and hundreds of other food product labels throughout the country.

This Association wishes you insight, vision and wisdom in your amendment of the regulations.

Yours sincerely,



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PS: Voters in California have just rejected the labelling of foods with ingredients derived from genetically modified crops. See addendum 2 below

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**Addendum 1: Misinformation and scaremongering at its worst. A prime case for the CPA?**

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Wednesday, 26 September 2012 11:26 (Source: Tame Times (Alberton) (Ref is being verified)

**South Africa is the only country that has allowed the genetic modification (GM) of its staple food - maize.**



Elsewhere in the world this crop is grown primarily for the global livestock sector. However, in South Africa some 77% of our maize production is genetically modified and provides the nation with their daily intake of carbohydrates. The debate on the long term health impacts of GM foods has raged around the globe for almost 2 decades

now and to date there is no scientific agreement on their safety. The United Nation's Cartagena Protocol on Biosafety is based on the Precautionary Principle in recognition of this lack of scientific knowledge and agreement. Our own GMO regulations, paraphrasing the Precautionary Principle set out in the 1992 Rio Declaration on the environment and development, stipulate that a lack of scientific knowledge or scientific consensus shall not be indicative of an absence of risk. Our GMO Act also allows the Executive Council to revise any decisions made in the light of new scientific evidence.

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## **Addendum 2**

STOP PRESS – info just received 8 November 2012:

### **California Voters Reject labelling of foods that have ingredients derived from genetically modified crops**

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#### **A) Overview from CBI**

The U.S. Council for Biotechnology Information welcomed the news that California voters rejected Proposition 37, which would have required labeling of foods that had ingredients derived from genetically modified crops. The vote was approximately 47% in favor and 53% against.

“The biotech industry opposed Prop 37 because this poorly-written measure would have mandated that misleading and confusing information be provided to consumers, would have unnecessarily increased food costs for California consumers, and would have spawned frivolous lawsuits against farmers, grocers and food companies,” CBI said in a statement. “The people of California expressed their support for science and reason-based policy on food labeling.”

In the United States, national policy is that foods should be labeled in a way that is useful to consumers, by listing information on nutrient content, chemical composition and potential allergenicity or toxicity concerns. Labeling is required to be truthful and not misleading.

“Proposed labeling schemes like Prop 37 are meant to scare consumers rather than inform them,” CBI said. “The industry will continue to move forward with developing innovations to feed and fuel the world.”

The biotech industry was part of a large coalition of farm groups, business associations, taxpayer groups, food producers, grocers, family farmers, physicians and scientists, that was formed to defeat Proposition 37.

Nearly every daily newspaper in California – more than 40 of them -- urged their readers to vote no.

“Prop. 37 is fraught with vague and problematic provisions that could make it costly for consumers and a legal nightmare for those who grow, process or sell food,” wrote the San Francisco Chronicle

#### **b) California’s GE labeling proposition rejected (From IFT Weekly, 7 November)**

According to the *Associated Press*, voters spurned a ballot measure that would have made California the first in the nation to affix labels on breakfast cereals, baked goods, and other processed foods containing genetically engineered (GE) ingredients. With 100% of precincts reporting, Proposition 37 failed 53.1% to 46.9%.

Under Proposition 37, most processed foods would have had to bear the label “partially produced with genetic engineering” or “may be partially produced with genetic engineering” on boxes, cans, and bottles by 2014. The words “genetically engineered” would be required to appear on the front package of a small variety of produce or on store shelves. Such products also would be prohibited from using the terms “natural” or “naturally made” in their advertising.

Consumer activists and the organic food industry said shoppers crave information about what they’re eating and should be given all the information they need to decide for themselves whether to buy products containing genetically altered ingredients. Opponents fear labeling would amount to placing a skull-and-crossbones symbol on their products even though studies show bioengineered food to be safe. They also warn of higher grocery bills if the initiative passes.

A win would have put California at odds with the federal government, which does not require such labels because bioengineered foods are not significantly different in taste, texture, and nutrition. More than a dozen U.S. states this year introduced GMO labeling bills, but all failed. A citizen’s petition to mark genetically engineered foods nationwide is pending before the U.S. Food and Drug Administration.