

# Identity Crisis

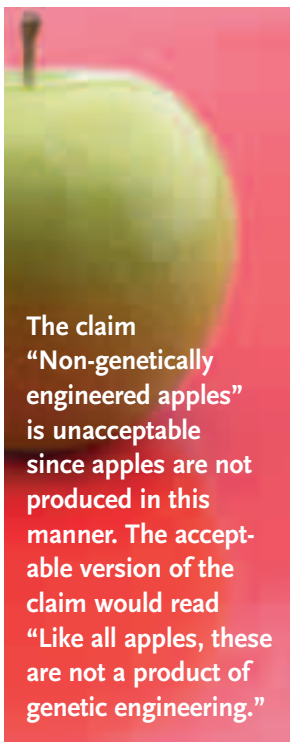
*Genetic Engineering and the Voluntary Labelling and Advertising of Foods*

**T**his April the Canadian General Standards Board (CGSB) revealed its latest standard: *Voluntary Labelling and Advertising of Foods That Are and Are Not Products of Genetic Engineering*. This is not a regulation, nor does it impose mandatory labelling of foods derived in whole or in part from food ingredients or products derived through genetic engineering (GE). The standards set up criteria to qualify claims related to either foods represented as being or not being products of GE. As with many of the administrative policies expressed in the *Guide to Food Labelling and Advertising*, compliance will be subject to statutory provisions dealing with misrepresentations, such as 5(1) of the *Food and Drugs Act* and 7 of the *Consumer Packaging and Labelling Act and Regulations*.

It's likely we won't see many claims in advertisements or on labels promoting the fact that a food is a product of GE. On the flip side there is great interest in making representations regarding the absence of GE derived foods.

General considerations for claims related to GE foods include:

- Must be factual and informative.
- In a multi-ingredient food they must refer to the "ingredient" not the whole product.
- Include a reference to external accessible information, such as a toll-free telephone number or web page, unless all required information accompanies the claim. If applicable, external information must include the methods used in the verification of the claims, the methods used to produce the genetic change and the details as to why GE was used.
- Include an explanatory statement with the claim if the claim may result in any misunderstanding.
- Be based on percentage by weight as sold.
- The claim must not imply that the food is endorsed in any way.
- Does not include absolute terms such as "free," "100%" or "all."



The claim "Non-genetically engineered apples" is unacceptable since apples are not produced in this manner. The acceptable version of the claim would read "Like all apples, these are not a product of genetic engineering."

- Allowances for unintentional or unverifiable ingredients cease to exist when terms such as "entirely," "completely" or "absolutely" are used in a suitable context.
- Not use any signs or symbols. Use of abbreviations for well known terms may be suitable.
- Use the terms "genetically engineered (name of product)," "derived from genetically engineered (name of product)" or the expression "product of genetic engineering."
- The inclusion of any representations may be prohibited on a main panel of a label where the quantity of the ingredient subject to the claims make up five per cent or more of the food.

There are additional requirements outlined in the CGSB standard. A suitable claim example could read: "These chips are made from potatoes that are not a product of genetic engineering." An unacceptable version would read "Non-genetically engineered potato chips" as the reference in a multi ingredient product should be to the ingredient not the food. The claim "Non-genetically engineered apples" is

unacceptable since apples are not produced in this manner. The acceptable version of the claim would read "Like all apples, these are not a product of genetic engineering."

Aside from some informative and context sensitive language used in making a claim, an obligation to verify the claim is a key consideration in the new standard. This can be done by testing where validated methods are recognized, providing documentation that proves that GE and non-GE ingredients have been kept separate or by a combination of the two. This should be in place before the claim is made and be well documented for disclosure purposes.

The CGSB Standard CAN/CGSB-32.315-2004 is available on the Canadian General Standards Board website: [www.pwgsc.gc.ca/cgbsb](http://www.pwgsc.gc.ca/cgbsb)

*Gary Gnirss is a partner and president at Legal Suites Inc., a Mansfield, Ont.-based firm specializing in regulatory software and services. Email: [president@legalsuites.com](mailto:president@legalsuites.com)*