

AMA Support For Bioengineered Food Will Hurt Labeling Drive

By **Greg Ryan**

Law360, New York (June 19, 2012, 8:24 PM ET) -- The American Medical Association's adoption of a platform on Tuesday that upholds the safety of genetically engineered foods will stymie a ballot initiative in California and other efforts by consumer groups to require the labeling of the products, attorneys say.

Members of the group, the largest physician organization in the U.S., voted in favor of a policy that holds there is no evidence that the genetic modification process presents any unique safety issues. The policy, adopted during a conference in Chicago, also explicitly opposes the mandatory labeling of genetically engineered food.

"Our AMA believes that as of June 2012, there is no scientific justification for special labeling of bioengineered foods as a class, and that voluntary labeling is without value unless it is accompanied by focused consumer education," the organization said.

The group's stance on labeling comes amid a battle in California over legislation that would require genetically engineered foods sold in retail outlets such as grocery stores — but not restaurants — to be labeled. Californians will decide the fate of the proposal in November in what is expected to be a close vote.

An endorsement of the products' safety from the profession that consumers most associate with health could stick out in swing voters' minds come fall — a possibility opponents of the legislation can use to their advantage, according to attorneys.

"Consumers look to the AMA to be the guardian of public health and they trust what the AMA has to say," Faegre Baker Daniels partner Sarah Brew said.

The new AMA policy will have effects beyond the California measure as well, as much of it backs up arguments made by the food industry, attorneys said. The policy holds that the safety of a genetically engineered organism should be evaluated not simply by the fact it is genetically engineered, but by what type of organism it is and the environment into which it is introduced.

"This opinion gives enormous comfort with respect to the safety of what's out there," said Fred Degnan, a King & Spalding LLP partner.

There is one aspect of the policy that companies may disfavor, however, according to attorneys: the AMA's support for mandatory premarket safety testing of genetically engineered food. The group endorsed tests that measure changes to nutrient and toxic agent levels, research into methods to identify potential food allergens and the development of new ways to detect the products' unintended effects.

The call for required premarket assessments seems inconsistent with the AMA's conclusion that the safety of items that are genetically modified should not be viewed exclusively through the lens of their genetic modification, according to Degnan.

"Perhaps there's a little bit of politics coming into play in their decision-making," he said.

The policy offers little detail about the premarket assessments. Its only reference to a specific regulator is the suggestion that the U.S. Food and Drug Administration "remain alert to new data on the health consequences of bioengineered foods and updates its regulatory policies accordingly."

However, attorneys said they did not believe the AMA's stance on premarket safety testing differed greatly from that of the government.

"The AMA's position is perfectly consistent with regulators' approach," said McGuireWoods LLP partner James Neale.

"I don't think the AMA contemplates a premarket approval process as rigorous or lengthy as those in place for drugs or medical devices," Brew added.

The two main groups facing off over the California initiative both applauded the AMA's decision to tackle the issue. The pro-labeling group Just Label It said that it was significant that the organization weighed in on the subject.

"The fact that this national group of doctors even considered this measure is a significant 'win' for the vast majority of Americans who believe they have the right to know about the foods they eat and feed their families," group spokeswoman Sue McGovern said.

The Coalition Against the Costly Food Labeling Proposition, a group funded by the Council for Biotechnology Information and the Grocery Manufacturers Association, approved of the AMA's conclusion.

"The AMA's rejection of mandatory labeling is consistent with the overwhelming majority of respected medical doctors, scientists and health experts who have concluded that foods made with the benefits of modern biotechnology are safe and that labeling of these foods is unnecessary," said spokeswoman Kathy Fairbanks.

--Editing by John Quinn and Katherine Rautenberg.

All Content © 2003-2012, Portfolio Media, Inc.