

October 29, 2010

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RE: Request for comments and information at Step 3 on the proposed draft Recommendations for the Labeling of Foods and Food Ingredients obtained through Certain Techniques of Genetic Modification/Genetic Engineering (ALINORM 10/33/22 paras.159 to 161 and Appendix X)

Dear Codex Contact Points and Secretariat:

The Biotechnology Industry Organization (BIO) appreciates the opportunity to comment on the above-referenced *Proposed Draft* document. BIO is the world's largest biotechnology organization, providing advocacy, business development and communication services for more than 1,100 members worldwide. Corporate members range from entrepreneurial companies developing their first product to Fortune 100 multinationals. We also represent state and regional biotechnology associations, service providers to the industry, and academic centers. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnology. Many BIO members use biotechnology to improve the agronomic, nutritional, and other properties of plants and animals for food, feed, fiber and bioenergy.

BIO delegations have consistently participated in the work of Codex Alimentarius Committees, Working Groups and Task Force covering food and feed standards development related to agricultural biotechnology. We note that within almost two decades of discussion in the Codex Committee on Food Labeling (CCFL), no progress has been made to advance the status of guidance, recommendations or language associated with product labeling of foods obtained through certain biotechnology techniques, in spite of a number of targeted attempts to do so. In this time period, CCFL has convened five working groups, held inter-sessional discussions, and conducted prolonged intra-sessional discussions and dialogues without progress on issues pivotal to the development of guidance. Specifically, no consensus has emerged on the scope of the work, the rationale for conducting the work, or the objective of the work and potential guidance it might offer to consumers.



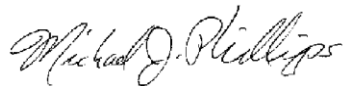
In November 2010, Codex is convening a working group for CCFL in a further attempt to make progress on this topic. In preparation for this meeting, the CCFL Chairman has specifically requested interested delegations to provide in their comments “a very clear rationale with respect to their objectives in relation to their proposals for changing text .....” We strongly support the Chairman in this approach since Step 3 text has been before CCFL for over 10 years with no progress on further elaboration. At the core of the process is fundamental disagreement on the scope of the work (circumstances under which labeling text might be used) and the objectives for developing such text in Codex. The rationale and intent for supporting a certain position must be fully explored before any progress might be made on text to further guide members in labeling of foods derived from modern biotechnology.

**BIO proposes that CCFL discontinue work on this issue. Our rationale with respect to our objective for this proposal is very clear. The General Standard for the Labeling of Prepackaged Foods [Codex Stan 1-1985 (Rev. 1- 1991)] applies to the labeling of all prepackaged foods to be offered as such to the consumer. Terms within the Standard are defined, provisions for sharing of information detailed, and elements required for protection of consumer health and fair trade in foods elaborated. There is no fundamental difference in foods and food ingredients derived through the use of biotechnology from foods in the marketplace globally. Existing Codex standards, including the Codex Guidelines for Use of Nutrition and Health Claims [CAC/GL 23-1997 (Rev. 1-2004)] provide specific guidance for provision of information on food labels, as well as specific considerations when some type of nutrition or health claim is to be made by a food manufacturer. Therefore, existing Codex standards and related texts for labeling foods and food ingredients are appropriate for all prepackaged foods to be offered to the consumer, including those derived from modern biotechnology.**

**BIO continues to support those delegations that believe it is an inappropriate use of CCFL resources and time to continue work in this area when existing Codex text is appropriate for such labeling considerations. BIO strongly urges CCFL to discontinue work on this topic.**

We appreciate the opportunity to provide these comments and very much look forward to active participation in the November 2010 discussions. However, we firmly believe that this area of work should be discontinued so that resources can be committed to priority areas where there is a demonstrated need, and also where consensus is possible.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Phillips".

Michael J. Phillips, Ph.D.  
Head, BIO Delegation