



June 10, 2017

VIA Electronic Mail: GM0labeling@ams.usda.gov

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: U.S. Department of Agriculture Rule on GMO Disclosure Labeling

Dear Secretary Perdue:

As one of our nation's largest food companies, we write in response to the Proposed Rule Questions Under Consideration released June 28, 2018. Question 12 asks whether the textual disclosure could include the disclosures that were required by Vermont's Consumer Protection Rule 121 (which has been preempted), which are currently used by Mars and other food manufacturers. We request that as you develop the disclosure standard and draft the regulations required by the National Bioengineered Food Disclosure Standard, you take into consideration the efforts that many food companies have put forth and incorporate the disclosure statements currently provided to consumers on food labels.

At Mars, we not only ensure the safety of all raw materials in our products, we are also committed to being transparent with our consumers. While we firmly believe in the safety of genetically modified/engineered ingredients based on scientific evidence, we are also committed to helping individuals make informed choices through clear labeling and responsible marketing. To this end, Mars supported the creation of a single, nation-wide labeling system for food products containing genetic engineering (GE).

The GE labeling law enacted in Vermont required human food products to include GE disclosure statements, where applicable, by June 1, 2016. To comply, as well as to respond to consumer demand, Mars introduced back-of-pack GE disclosure statements "produced with genetic engineering" or "partially produced with genetic engineering" on relevant products nationwide beginning in June 2016. To meet Vermont's compliance date, Mars, along with many other companies, had already invested significant resources to include GE disclosures on packaging and had begun distributing products with the disclosures before Congress enacted the National Bioengineered Food Disclosure law on July 29, 2016.

Although Vermont's law has been pre-empted by the federal mandate, Mars continues to label our products with back-of-pack GE disclosure statements to honor our transparency efforts with consumers. To date, the majority of our products sold in the U.S. include GE disclosure statements on the label, and we continue to roll out products labeled with GE disclosure statements where applicable.

The National Bioengineered Food Disclosure Standard (section 293(b)(2)(D)) contemplates a flexible standard, permitting the disclosure to be "a text, symbol, or electronic or digital link . . . with the disclosure option to be selected by the food manufacturer." Given the flexibility of the federal disclosure standard, we request that the federal standard include as options, but not be limited to, the disclosures, "produced with genetic engineering," and "partially produced with genetic engineering." Including these disclosures as options in the federal standard is supported by two key facts. First, the Vermont disclosures were developed by consumer interest groups with the goal of providing clear and transparent information to consumers on the GE content of food. Second, consumers are already familiar with these disclosures because these disclosures have been included on labels of marketed food products for over a year.

Additionally, encompassing existing GE disclosures in the federal standard is consistent with the mandates of recent Executive Orders that direct agencies to reduce regulatory burdens and costs. Companies who invested significant resources to be compliant with Vermont's GE disclosure law should not be penalized by a subsequent disclosure standard that requires them to expend additional resources and costs to change labels that already achieve the goal of the federal disclosure.

For all these reasons, we urge USDA to include the disclosure statements "produced with genetic engineering" and "partially produced with genetic engineering" as options in the forthcoming rule.

Thank you for your consideration. We would be happy to speak with you further about our concerns should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B Figel". The signature is written in a cursive, flowing style.

Brad Figel
Vice President Public Affairs North America
Mars, Incorporated
6885 Elm Street
McLean, VA 22101

Cc:

The Honorable Scott Gottlieb, MD, Commissioner, Food and Drug Administration
Craig Morris, Administrator, Agriculture Marketing Service