

To: National Chamber of Milling

Attention: Executive Director
Mr Boikanyo Mokgatle
Fax: +27 (12) 663 3109
e-mail: boikanyo@grainmilling.org.za



18 July 2013

5 pages

Re: GMO labelling and development of a GM-free market

Dear Mr Mokgatle

The National Chamber of Milling's position on genetically modified organisms (GMOs), dated July 2012, is stated on your website thus¹:

The South African milling industry supports the principle of consumer choice and will thus service a consumer led market for grain and grain products. To this end it supports the safe and responsible application of biotechnology in providing nutritious, quality staple food at the best possible price in the interest of household food security.

The milling industry will:

1. Encourage identity preservation within the grain supply chain to enable clear labeling of our product to the consumer market.
2. Support research into the safe use of biotechnology and the responsible use of GM products with due concern for the consumer's health and environmental wellbeing.
3. Influence the various government departments and decision-makers concerned in efficiently and sensibly regulating the safe development of biotechnology in the South African society.

In light of this position, the African Centre for Biosafety is seeking clarity from the NCM on your position on GMO labeling and your efforts to ensure genuine consumer choice in a GM saturated maize market. We request assurance from the NCM that GM-free maize and soya will be available at the same price as non-GM, so that those who choose not to eat it can do so without prejudice. This is currently not the case.

Background

South Africa is the only country in the world that has allowed the genetic modification of its staple food. South African consumers have been consuming GM maize and soya for 13 years without their knowledge or consent. Today, some 80% of maize production in South Africa is GM. Due to the lack of a national segregation system, consumers do not have access to non-GM maize at all.

The African Centre for Biosafety has arranged for the testing of a number of products over the past two years. The results were as follows:

2012 Tests	2013 Tests
<ul style="list-style-type: none"> • FutureLife: 100% GM maize, 37% GM soya • Bokomo Wheat free Pronutro: 90% GM maize, 71% GM soya • Nestle Cerelac Infant Cereal: 76% GM maize • Impala maize meal: 66% GM maize 	<ul style="list-style-type: none"> • *Purity's Cream of Maize: 56% GM maize • Purity Baby First: 71% GM maize • Ace supermaize meal: 78% GM maize • Ace maize rice: 70% GM maize • Ace instant porridge: 68% GM maize • Lion Samp and beans: 48% GM maize • Jungle Breakfast: 41% GM maize

* Interestingly, 2013 tests on Nestle's baby cereals found low amounts of GM maize and soya that would not have triggered labelling, suggesting that Nestle is now purposefully sourcing non-GM ingredients. In comparing prices between Nestle and Purity cereals, Purity's GM-laden product was 250% more expensive.

Consumers do not welcome the introduction of GM crops as there is no scientific consensus on their long-term safety and they provide no benefit to consumers whatsoever. We also note that the introduction of GM has not relieved the problems of hunger in South Africa, indeed, the price of a 5kg bag of mielie meal increased by 84% between 2008 and 2012ⁱⁱ.

Consumer Concerns about GMOs

In the last two months FutureLife has pledged to source non-GM maize and soya for their health cereals due to consumer outrage at learning that their product contains high levels of GMⁱⁱⁱ. Tiger Brands made the same decision to go GM-free with their Purity baby foods due to consumer demand^{iv}. On the 4th July 2013 the African Centre for Biosafety sent Tiger Brands a letter endorsed by 39 African organisations calling for Tiger Brands to go GM-free. Their maize products, such as maize meal and samp, are of huge concern to African consumers. A number of the organisations that signed the letter are large umbrella bodies for many more organisations, one of them, the PELUM Association, represents over 200 non-governmental organisations in East and Southern Africa. (The letter and signatories are attached for your interest).

The common response from food manufacturers in response to consumer complaints about GM content in their food has been that procuring non-GM is impossible in South Africa, given the high levels of GM cultivation and the lack of infrastructure and procedures to segregate. Consumer rights have been severely trampled by the biotech industry. We are now at a point where the maize market is so saturated with GM that consumers cannot choose to avoid it. While proper labelling will inform consumers of the makeup of the product, they cannot choose non-GM. This is a grave breach of democracy; when people are given no choice to avoid a foodstuff that has been banned and restricted in many countries due to lack of consensus on the safety of these products.

We call on the NCM to ensure the development of a GM-free market so that consumers and food manufacturers may genuinely choose to avoid GM should they wish.

Labelling

Civil society has been lobbying for accurate and meaningful labelling of foods derived from GMOs since their introduction. The biotech industry, most vociferously represented by the industry lobbying group AfricaBio, has fought strenuously against consumers' right to know and to choose. Consumers finally found relief when the Consumer Protection Act was published, which inter alia, aims to "improve access to, and the quality of, information that is necessary so that consumers are able to make informed choices according to their individual wishes and needs"^v.

Section 24(6) of the Consumer Protection Act, 2008 (CPA) stipulates that

"any person who produces, supplies, imports or packages any prescribed goods must display on, or in association with the packaging of those goods, a notice in the prescribed manner and form that discloses the presence of any genetically modified **ingredients or components** of those goods in accordance with applicable regulations"

In October 2011, the regulations of the Consumer Protection Act were published and consumers believed that they would at last have accurate and meaningful labelling of GM. However, to our dismay, this has been stalled by a last ditch attempt by industry to thwart consumer rights by claiming that it is not clear if the law applies to processed food or only to living modified organisms, such as whole kernels of maize^{vi}. This is a disingenuous argument on the part of industry that goes against the spirit of the Consumer Protection Act. While we await clarity, consumers remain in the dark and are pressurising food producers to source non-GM ingredients and to label accurately.

A September 2012 newsletter published by AfricaBio claims that, "AfricaBio has forged a strategic partnership with the National Chamber of Milling (NCM) and the Consumer Groups Council of South Africa (CGCSA) in an attempt to put more pressure on the NCC, the Minister and to engage the Portfolio committee on Trade and Industry on these (GM labelling) issues"^{vii}. AfricaBio has fought extremely hard against the implementation of labelling of GMOs since their introduction. In an interview last year with AfricaBio CEO, Nompumelelo Obokoh, she said that the "enabling environment for trade in biotech products (created by South Africa's GMO Act) could now be jeopardized by the Consumer Protection Act mandatory labelling requirements"^{viii}.

It is disturbing that consumers' rights should be trumped by profit and trade interests. These rights are set out in the Consumer Protection Act and the NCM has publicly committed to protect consumer choice and accurate labelling.

We call on the NCM to lobby the National Consumer Council to ensure that all products derived from GMOs or containing GM ingredients or components be meaningfully and accurately labelled.

Risk Assessment

Risk assessment for the approval of new GM varieties on the market for cultivation or food and feed is carried out by the Executive Council: GMO Act. This is done on the basis of safety data supplied by the producers. No long-term safety tests are required; indeed, even peer-reviewed science is not a prerequisite. Much of the information supplied is not available for public scrutiny as it is designated "confidential business information".

The only government study carried out to date on the impacts of GM crops was done by the South African National Biodiversity Institute (SANBI), in fulfilment of their mandate under NEMBA^{ix}. This was not a health study, but rather on the environmental impacts. Nevertheless, one of the recommendations of the study, based on their findings, was that governmental health risk assessment procedures need to be reviewed as they are based on outdated science^x. A growing body of independent peer-reviewed science is raising red flags about the long-term safety of GM foods. Given that South Africans are consuming large amounts of virtually unprocessed GM maize on a daily basis, we believe it is urgent that independent safety research be carried out.

We call on the NCM to support such research and to ensure that it is carried out in an open and transparent manner and made available in its entirety to the public. In addition, we call on the NCM to “Influence the various government departments and decision-makers concerned” to review and update current risk assessment procedures to require rigorous, long-term and independent science.

We call on the National Chamber of Milling to uphold your stated position on GMOs by:

- Clarifying the nature of your alliance with AfricaBio on the labelling of GMOs
- Lobbying the National Consumer Council to ensure that all foods derived from genetically modified organisms or containing genetically modified ingredients or components be meaningfully and accurately labelled.
- Ensuring the development of a GM-free maize and soya chain to ensure that non-GM alternatives are available to the public at the same price. We see no reason for consumers to pay a premium on non-GM because foreign multinationals have introduced a food stuff that consumers do not want, which has contaminated the entire chain.
- Supporting independent research into the long-term safety of GM foods as no such research has been carried out in South Africa.
- Lobbying for more rigorous and transparent risk assessment of GMOs.

We look forward to your response

Sincerely



Mariam Mayet

Executive Director: African Centre for Biosafety

REFERENCES

-
- ⁱ <http://www.grainmilling.org.za/2012%20GMO%20POSITION%20PAPER.pdf>
- ⁱⁱ African Centre for Biosafety, “Hazardous Harvest: Genetically modified crops in South Africa, 2008 – 2012” available at <http://www.acbio.org.za/images/stories/dmdocuments/Hazardous%20HarvestMay2012.pdf>
- ⁱⁱⁱ <http://www.futurelife.co.za/gmo/> accessed 15 July 2013
- ^{iv} <http://acbio.org.za/images/stories/books/tiger-purity.jpg> accessed 15 July 2013
- ^v Consumer Protection Act preamble
- ^{vi} Consumer Goods Council of South Africa. 2012 CGCSA’s Response To The African Center For Biosafety Regarding Product GM Labelling And Trade Descriptions Dated 23rd Of March 2012. http://www.cgcsa.co.za/index.php?option=com_content&view=article&id=151:cgcsas-response-to-the-african-center-for-biosafety-regarding-product-gm-labelling-and-trade-descriptions-dated-23rd-of-march-2012&catid=3:media-statements&Itemid=81 accessed 15 July 2013
- ^{vii} http://sanson.org/wp-content/uploads/2012/10/2012_SeptNewsletter1.pdf accessed 15 July 2013
- ^{viii} Insight into Africa’s GM product labelling <http://www.africasti.com/interview/insight-into-africas-gm-product-labeling> accessed 15 July 2013
- ^{ix} The National Environmental Management Biodiversity Act (Act no. 10 of 2004; NEMBA) confers to the South African National Biodiversity Institute (SANBI), the responsibility to monitor and report on the environmental impacts of GMOs released into the environment in South Africa. Specifically:
‘11(1)(b) must monitor and report regularly to the Minister on the environmental impacts of all categories of genetically modified organism, post commercial release, based on research that identifies and evaluates risk.’
- ^x SANBI (2011). Monitoring the environmental impacts of GM maize in South Africa: The outcomes of the South Africa – Norway biosafety co-operation project (2008 – 2010). *Department of Environmental Affairs*. <http://www.sanbi.org/node/1958/reference>