

**Regulatory Alert: FSIS Releases Notice on
Voluntary GMO Labeling Statements**
Changes Made to Accommodate New Federal GMO Labeling Law
GMO Abbreviation Now Allowed

August 22, 2016

On August 19, 2016, the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) published [Notice 54-16](#). The notice informs inspection program personnel (IPP) that meat and poultry products establishments or egg product plants may make claims on the labeling of a meat, poultry or egg product concerning the fact that bioengineered ingredients or genetically modified (GM) ingredients were not used in that particular product. IPP do not have new verification activities related to this change.

[P.L. 114-216](#), enacted on July 29, 2016 (which preempts state GMO labeling requirements), defines the term bioengineering to refer to a food that contains genetic material that has been modified through *in vitro* recombinant deoxyribonucleic acid (DNA) techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature. FSIS considers the terms “genetically modified,” “genetically engineered (GE),” or “bioengineered” to be generally synonymous.

Labels or labeling may claim that a food or feed ingredients used in the raising of livestock or poultry is not bioengineered when the food or feed ingredients have not been genetically modified through the use of modern biotechnology. FSIS also accepts statements on the labels of multi-ingredient product that the product contains no bioengineered ingredients.

FSIS has previously approved labels with the type of claims described above through its prior label approval process. The approved labels have included special statements and claims such as “Chicken raised on a diet containing no genetically engineered ingredients.” Except for product that included the “Non-GMO Project” logo, FSIS has not previously allowed for the use of the term “non-genetically modified organisms” (Non-GMO) claims on labels. Because of P.L. 114-216, FSIS is changing its position and **will now accept the abbreviation GMO** in a statement indicating a product (or an ingredient) was not produced through the use of modern biotechnology or bioengineering, as long as the food is, in fact, not derived from a genetically modified plant and the food’s label or labeling is not otherwise false or misleading.

FSIS has previously approved negative label claims through its prior approval process. FSIS has required establishments that make these claims to comply with standards established by a third-

party certifying organization. FSIS currently requires that the third-party certifying organization's standards be publicly available on a website and the label or labeling disclose the website address of the third-party certifying organization.

Examples of Label Claims Acceptable to FSIS

Single Ingredient Label

- “Raised on a diet containing no genetically engineered ingredients”
- “Pasture raised beef fed a vegetarian diet with no bioengineered ingredients”
- “Chicken raised on a diet containing no genetically engineered ingredients”
- “Derived from beef fed no GMO feed”

Example 1



Multi-ingredient Label

- “No GE Ingredients”
- “Contains No GMO ingredients”
- “No genetically modified ingredients”
- “Ingredients used are not bioengineered”
- “No genetically engineered ingredients through the use of modern biotechnology”

Example 2

PROGRISIVE MEATS EST. 1998

Jalapeno Peppers and Cheese Chicken Sausage

**NO GE
INGREDIENTS***

True 2 Earth

**INSPECTED
U.S.
DEPARTMENT OF
AGRICULTURE
P-42**

Ingredients: Chicken, Cheese (pasteurized milk, cheese cultures, salt, enzymes and annatto color), water, red peppers, seasoning (sugar, salt, spices), Jalapeno peppers (jalapeno peppers, water, citric acid).

KEEP REFRIGERATED

**NET WT.
48 OZ (3 LB)**

Distributed by PROGRISIVE MEATS Co.
1234 Unique Rd.
Calambia, VE 00123

*Certified No Genetically Engineered ingredients by True 2 Earth.
true2earth.net/non-ge

Organic Label

- “Fed a vegetarian diet with no GMO feed ingredients”

A Good Win! Farms® est 2010

All Natural**
Raised without
Added Antibiotics
No Added Hormones†

**Fed a vegetarian diet
with No GMO
feed ingredients***

**Organic Premium Fresh
Young Chicken**

Safe Handling Instructions
This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.

- Keep refrigerated or frozen. Thaw in refrigerator or microwave.
- Keep raw meat and poultry separate from other foods. Wash working surfaces (including cutting boards), utensils, and hands after touching raw meat or poultry.
- Cook thoroughly.
- Keep hot foods hot. Refrigerate leftovers immediately or discard.

KEEP REFRIGERATED

**NET WT.
48 OZ (3 LB)**

Distributed by A Good Win! Farms®
1224 Unique Dr.
Orlando, VE 00122
Certified Organic by ABC Green.

INSPECTED U.S. DEPARTMENT OF AGRICULTURE P-42

USDA ORGANIC

*This pasture raised chicken is fed an organic vegetarian diet with no GMO feed ingredients in compliance with the National Organic Program regulation.

**Minimally Processed, No Artificial Ingredients

†Federal Regulations do not permit the use of hormones in poultry.

Label Approval Submission

Negative claims are “special statements and claims” as defined in 9 CFR § 412.1(c)(3) and are not generically approved with the exception that for previously approved negative claims, establishments are allowed to change the terms “non-genetically engineered” or “non-GE” to “non-GMO” or “no genetically modified organisms” without approval from FSIS.

Please contact Erik Lieberman at erl1@liebermanpllc.com or 202.830.0300 if you have questions or would like additional information.