

Labelling of Genetically Modified Foods

A genetically modified organism (GMO) is one in which the genetic material has been altered in a way that does not occur naturally by mating and/or combination. Food retailers and caterers have to be able to tell their customers which foods and ingredients, if any, contain genetically modified organisms. The Genetically Modified Food (England) Regulations 2004 (<http://www.legislation.gov.uk/ukxi/2004/2335/contents/made>) require products consisting of, or containing GMOs to be labelled as such, and the requirements also apply to non pre-packed foods containing GMOs. Products consistently 100% free from GM material can be labelled as such but its use is discouraged.

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Information provided by catering establishments

Your supplier will pass information to you in writing on which foods contain GMOs. It is now a legal requirement for food products consisting of or containing GMOs (soya for example) to be accompanied by written documentation. Each person in the supply chain up to sale to the ultimate consumer must retain copies of the written documentation for a minimum of five years.

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You should display a notice, menu, ticket or label which can be easily read by customers (at the place where they choose the food) with either of the following statements that is appropriate to the particular food in question:

- 'genetically modified' - or
- 'produced from genetically modified (name of organism)' for example, 'bread produced from genetically modified maize'

Labelling of packaged or loose food

For products consisting of or containing GMOs, anyone involved up to the point of delivery to the ultimate consumer shall ensure that:

- **for pre-packed food**, the words 'this product contains genetically modified organisms', or 'this product contains genetically modified (name of organism(s))', shall appear on the label
- **for non pre-packed food** offered to the final consumer, the words 'this product contains genetically modified organisms' or 'this product contains genetically modified (name of organism(s))' shall appear on or near the display of the product

Food, flavourings and food additives with a list of ingredients

Where the food consists of more than one ingredient the words 'genetically modified' or 'produced from genetically modified (name of the ingredient)', shall appear in brackets immediately after the name of the ingredient concerned. For example, a biscuit containing soya flour derived from GM soya must be labelled 'contains soya flour from genetically modified soya'.

Where ingredients are designated by a category the designation shall be completed by the words 'contains genetically modified (name of organism)' or 'contains (name of ingredient) produced from genetically modified (name of organism)', shall appear in the list of ingredients. For example, for 'vegetable oils' containing rape seed oil produced from genetically modified rape, the reference 'contains rape oil from genetically modified rape' must appear in the list of ingredients.

For both of these the indications may appear in a footnote to the list of ingredients, provided that they are printed in a font of at least the same size as the list of ingredients. Where there is no list of ingredients, they shall appear clearly on the labelling.

Food, flavourings and food additives without a list of ingredients

The words 'genetically modified' or 'produced from genetically modified (name of organism)' shall appear on the labelling of the food. For example, 'a spirit containing caramel produced from genetically modified maize', or 'genetically modified sweet maize'.

Non pre-packed food

Where the food is offered for sale to the ultimate consumer as non pre-packed or as pre-packed in small containers, of which the largest surface has an area of less than 10cm², the information must be permanently and visibly displayed either on the food display or immediately next to it, or on the packaging material, in sufficiently large print for it to be easily read. For example, 'bread produced from genetically modified maize.'

Manner of marking or labelling

All labelling, including the additional labelling required for foods produced in whole or in part from genetically modified organisms, must comply with the general requirements prescribed by the Genetically Modified Food (England) Regulations 2004 (<http://www.legislation.gov.uk/ukxi/2004/2335/contents/made>).

All particulars shall appear on one of the following:

- the packaging
- a label attached to the packaging
- a label that is clearly visible through the packaging
- commercial documents (where the sale is not to the final consumer)

and shall be:

- easy to understand
- clearly legible and indelible
- marked in a conspicuous place in such a way as to be clearly visible
- not in any way hidden, obscured or interrupted by any other written or pictorial matter

Exemptions for products containing ingredients produced from genetically modified organisms

The additional labelling requirements do not apply to the following:

- food that contains genetically modified material that is accidentally introduced or technically unavoidable and does not exceed the threshold of 0.9% (applies to each individual ingredient)* constituents of an ingredient that have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions
- additives whose presence in a given foodstuff is solely due to the fact that they were contained in one or more ingredients of that foodstuff, provided that they serve no technical function in the finished product
- additives which are used as processing aids
- substances used in the quantities strictly necessary as solvents or media for additives or flavouring
- substances which are not additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form
- products such as meat, milk and eggs from animals fed on GM animal feed
- products produced with GM technology, for example cheese produced from GM enzymes

* For example, if a dish contains a sauce with soy flour in it, it is the soy flour that must contain less than **0.9%** GM material, not the sauce or the dish. This applies only to GMOs that are permitted for use in the EU. A list of permitted GMOs is available at the Europa website (http://ec.europa.eu/food/food/biotechnology/gmo_authorisation_en.htm). There is no permitted level for unauthorised GMOs.

A table with examples of labelling requirements for authorised GMOs is available on the Food Standards Agency website (http://www.food.gov.uk/gmfoods/gm/gm_labelling).

GM-free

Products consistently 100% free from genetically modified material can be labelled as such but its use is discouraged.

Remember: Additives, flavourings and extraction solvents you use, may have been produced from genetically modified organisms.

It is an offence to apply a false description to any food and could result in a fine of up to £20,000.

Traceability

For products consisting of or containing GMOs (such as soya), written documentation is required to be passed on throughout all stages of the supply chain. The documentation shall state which of the food ingredients is produced from GMOs, or in the case of products for which no ingredient list exists, indicate that the food is produced from GMOs. Each operator in the supply chain must retain copies of the written documentation for a minimum period of five years.

Consequences of non-compliance

Failure to comply with these labelling requirements is a criminal offence. The maximum penalty for failing to comply with the Genetically Modified Food (England) Regulations 2004 (<http://www.legislation.gov.uk/ukxi/2004/2335/contents/made>) is imprisonment for six months and/or a fine of £5,000 per offence.

Further reading

More detailed information on genetic modification (<http://www.defra.gov.uk/environment/quality/gm/>) is available on the Department for Environment Food and Rural Affairs (Defra) website and the Food Standards Agency has guidance on the European regulations on its website (<http://www.food.gov.uk/multimedia/pdfs/gmguidance.pdf>).

Relevant legislation

Food Labelling Regulations 1996

(<http://www.legislation.gov.uk/ukxi/1996/1499/contents/made>)

EU Regulation on genetically modified food and feed (1829/2003)

([http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0001:0023:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0001:0023:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0001:0023:EN:PDF))

EU Regulation concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (1830/2003) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0024:0028:EN:PDF>)

Genetically Modified Food (England) Regulations 2004

(<http://www.legislation.gov.uk/ukxi/2004/2335/contents/made>)

Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004
(<http://www.legislation.gov.uk/uksi/2004/2412/contents/made>)

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	08 456 058 058
Consumers:	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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