



June 14, 2004 • Volume 46, Number 18

## TOP OF THE NEWS

### INTERAGENCY

Congressmen ask FDA, USDA for more frozen food research. **Page 21**

### BSE

Feeding ban may be extended to counter any BSE threat. **Page 12**

### LABELING

European industry surveyed on mandatory nutrition labeling. **Page 29**

Go to [www.foodchemicalnews.com](http://www.foodchemicalnews.com)  
for the latest developments

## DEPARTMENTS

Beltway Notebook **3**  
Biotechnology **5**  
BSE **12**  
Codex **13**  
Dietary Supplements **16**  
FDA **19**  
Interagency **21**  
International **23**  
International Briefs **26**  
Labeling **29**  
Enforcement Report **32**  
Warning Letters **32**  
Federal Register **34**

**Complete Index on Page 2**

Now incorporating  
**Food Regulation Report**

### DIETARY SUPPLEMENTS

## Senators highly critical of dietary supplement regulation

Current law, FDA and the dietary supplement industry all took it on the chin at a Senate hearing June 8 as two lawmakers found much to criticize about the way supplements are regulated.

Not only is the Dietary Supplement Health and Education Act inadequate to protect consumers from unsafe and ineffective products, said Sens. George Voinovich (R-Ohio) and Dick Durbin (D-Ill.), but FDA isn't fully using the enforcement provisions that DSHEA does contain. Meanwhile, the senators added, industry is failing to play a responsible self-policing role.

The hearing, by the oversight panel of the Senate Governmental Affairs Committee, was perhaps the harshest review Congress has made of DSHEA since it was passed in 1994. The hearing was convened by Voinovich at the request of Durbin, the subcommittee's ranking Democrat and the supplement industry's leading congressional critic.

(see **Hearing**, Page 17)

### USDA

## Criticism continues over USDA's pathogen reduction claims

In February, Barbara Kowalczyk met with USDA officials over what has become a major annoyance for the statistician and board member of the consumer group Safe Tables Our Priority: FSIS's allegedly misleading and overly optimistic announcements of pathogen declines.

Kowalczyk, who finds it ironic that FSIS is constantly touting its commitment to "sound science," has charged that the agency has made some obvious errors in presenting its regulatory sampling results in press releases, speeches and congressional testimony (see *FCN* March 15, Page 1).

The issue took center stage for a few moments earlier this month, when Kowalczyk's husband, Michael, brought it up at the National Advisory Committee for Meat and Poultry Inspection meeting

(see **Reduction claims**, Page 30)

**Nominee for the 2004  
James Beard Award for food journalism.**

# BIOTECHNOLOGY

## Brazil's biosafety law stalls in the Senate

Delays in approving Brazil's biosafety law are having a negative impact on legitimate soybean sales for the 2004-05 growing season in the most southern part of Brazil.

The biosafety bill, which was crafted by the executive branch in an attempt to eliminate the thriving black market in soybean seeds in southern Brazil, was passed as an urgent measure by Brazil's lower chamber in February (see *FCN* Feb. 2, Page 5). But the bill is now being handled under ordinary procedure in the Senate, opening the door to prolonged debate and discussion.

Plus, there is now increasing speculation that the Brazilian Senate has unofficially suspended debate of the biosafety law altogether. Legislators are reluctant to tackle biotech commercialization in an election year.

### Negative impact on seed sales

The Brazilian Association of Seed Producers (Abrasem) predicts that by the end of this month growers will have placed orders for only 70% of the soybean seeds to be planted in the upcoming growing season in the southern hemisphere.

The delay is most pronounced in the state of Rio Grande do Sul, where growers are concerned about inaction on the biosafety law. They fear that if the law is not passed, anti-biotech factions will use the court system and state legislatures to block commercialization of biotech soybeans as they have in the past (see *FCN* Oct. 20, Page 18). During the 2003-04 growing season, approximately 80% of the soybeans planted in that state were biotech varieties, all of which were procured from informal sources rather than legitimate seed companies.

Growers in southern Brazil are pressing hard for amendments to the draft biosafety law. They generally disapprove of the additional bureaucratic

hurdles that the law puts in place for approving commercialization of biotech crops, including the creation of a 15-member ministerial committee that can overrule the recommendations of the National Biosafety Commission.

— Steven Lewis  
slewis@crcpress.com

## Sociologist Hoban warns USDA panel of biotech backlash

Thomas Hoban, a North Carolina State University sociologist, warned USDA's Advisory Committee on Biotechnology and 21<sup>st</sup> Century Agriculture early this month that biopharming and transgenic animals could trigger a consumer backlash that would doom all food biotechnology.

The AC21 committee is charged with examining the long-term impact of biotechnology on the U.S. food and agriculture system and providing guidance to USDA on pressing individual issues (see *FCN* March 15, Page 9). The panel held its latest plenary session June 3-4 in Washington.

In an invited presentation, Hoban painted a broad-brush picture of emerging social trends affecting food biotechnology. He warned that:

- More consumers are opting out of the industrial food system in favor of the booming organic market.
- There is a growing sense among consumers and the food industry that biotech risks are not being addressed in an open manner.
- The food industry is very opposed to using food crops for drug production (biopharming). "It's just the little companies that want to use food crops," he told *Food Chemical News*. "They want to get products to market at all costs."
- Confidence in the U.S. government has dropped significantly in recent years.
- Animal cloning and transgenic animals will further undermine consumer confidence.
- The "poorly timed" World Trade Organization case against the European Union's biotech moratorium has already made trade matters worse in Europe and elsewhere

**Want more details on an article?** Need us to investigate a topic? Contact editor David Acord at (202) 887-6320 Ext. 116, or e-mail at [dacord@crcpress.com](mailto:dacord@crcpress.com).

**To subscribe**, call toll-free (800) 272-7737

Citing surveys conducted by the International Food Information Council and the Pew Initiative on Food and Biotechnology, Hoban noted that most U.S. consumers still do not know that foods produced with biotechnology are already in supermarkets, and most do not realize they are already eating biotech foods.

Hoban said U.S. acceptance of biotechnology is trending in a direction toward EU attitudes. He cited research showing decreasing public acceptance of insect-protected crops, disease-resistant animals and faster-growing fish such as transgenic salmon. However, U.S. support for ag biotech is still higher than in most of Europe, with the notable exception of the Netherlands, he said.

Explaining consumer resistance to transgenic animals, Hoban said people worry a lot about animal pain and suffering. He noted a trend toward vegetarianism and animal rights, especially among young women. He also cited environmental concerns involving transgenic fish and a feeling that “once we modify animals, it could be a slippery slope to genetically modified people.” The federal government is unprepared for the arrival of cloned or transgenic animals, which will be met with considerable consumer opposition, he said.

---

***“If food processors decide to stop accepting GMO crops, the ag biotech industry is basically done.”***

---

Hoban said an overwhelming majority of consumers wants mandatory safety reviews of biotech foods, and only a bare majority favors current FDA biotech labeling policy (see *FCN* March 15, Page 11).

The NC State sociologist warned that USDA “will face serious challenges from public concerns over meat and milk from cloned animals,” adding that regulations are not yet in place to address the scientific issues, much less consumer choice. “It would be a serious mistake to expect society to accept meat and milk from cloned or transgenic animals as ‘substantially equivalent’ [to conventional products],” he said.

Hoban said USDA must respect the needs and concerns of the value-added food chain, stressing that the processing, retail and service sectors have significantly more market clout than the agricultural and biotechnology sectors combined. He added that biotech “has only meant headaches and costs for the industry,” with no real benefits in sight for years. “If

food processors decide to stop accepting GMO crops, the ag biotech industry is basically done,” he said.

In order to prevent further public rejection of biotechnology, Hoban said, federal agencies and the regulated industry need to speed up development of crops with direct consumer benefits, such as healthier oils, better taste and longer shelf life. He would ban use of food crops for pharmaceutical purposes and maintain a strong regulatory program to ensure food safety. “Make sure all farmers comply with the requirements for [insect resistance management], identity preservation and regulatory approval, with no planting until global approval,” he added.

“‘Sound science’ is only one factor influencing public perception and public policy,” Hoban commented. “For many people, this is no longer enough.”

— Stephen Clapp  
sclapp@crcpress.com

## **Canada to keep working on market assessment of GE crops**

Agriculture Canada will continue to develop a process for reviewing the market impact of new genetically engineered crops, despite Monsanto’s recent decision to drop its bid for approval of Roundup Ready wheat (see *FCN* May 17, Page 1).

However, the government will likely wait until after the country’s June 28 national election, in case a new government is elected that wishes to make changes to the plan, according to Peter Pauker, the departmental official in charge of the review.

A market impact assessment for new GE crops was promised last year by former Agriculture Minister Lyle Vanclief in response to concerns that approval of RR wheat would prompt international buyers to switch their wheat purchases to other countries (see *FCN* Oct. 27, Page 18). The minister said the market review would be supplementary to the regulatory scrutiny that a new GE crop must undergo to ensure its safety for humans, animals and the environment.

Pauker said June 7 that the withdrawal of RR wheat “has taken the urgency and pressure off us. We were on track to deal with that issue. Now we can take the time to develop a more robust policy for any new products that could cause a market disruption beyond normal competitive pressures.”

The review process would come after scientific approval of a new crop. He suggested that industry