



National Bioengineered Food Disclosure Standard

The National Bioengineered Food Disclosure Standard, passed by Congress in July of 2016, directed the United States Department of Agriculture (USDA) to establish a national mandatory standard for disclosing foods that are or may be bioengineered. The National Bioengineered Food Disclosure Standard (Standard) was published on December 20, 2018. This factsheet will assist you with determining what and who is subject to the Standard.

What are bioengineered foods?

A food that contains genetic material that has been modified through in vitro rDNA techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature.

What is not a bioengineered food?

- Incidental additives
- Ingredients or products in which the modified genetic material is not detectable
 - ◆ Modified genetic material is not detectable if:
 - ◆ Records verify the food is made from a non-bioengineered food,
 - ◆ Records verify the food has been refined using a process validated to render the modified genetic material undetectable, or
 - ◆ Testing records for specific foods confirm the absence of detectable modified genetic material.

Who is covered by the Standard?

- Food Manufacturers, Importers, and Retailers who package and label food for retail or bulk food sales.



Restaurants and similar retail food establishments and very small food manufacturers (<\$2,500,000 of annual receipts) are exempted from the Standard.

Am I required to notify AMS of a new bioengineered food product being developed?

There is no requirement to notify AMS of a new bioengineered food product being developed. AMS will conduct an annual list review and rely on a variety of resources and public input to determine what foods should be added to the list. Updates to the list will be completed using notice and comment rulemaking.

Disclosure

Which foods require disclosure?

- Foods that are subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (FDCA).
- Foods that are subject to the labeling requirements under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act, only if:
 - ◆ The predominant ingredient would be independently subject to labeling under the FDCA, or
 - ◆ The predominant ingredient is broth, stock, water or similar solution and the second most predominant ingredient would independently be subject to labeling under the FDCA.

Where must the bioengineered food disclosure be placed?

Disclosure must be placed on:

- The information panel adjacent to the manufacturer/distributor information; or

- The principal display panel.

If there is insufficient space on either of the panels listed above, the disclosure can be placed on any other panel likely to be seen by a consumer under ordinary shopping conditions.

How must the bioengineered food disclosure be made?

The disclosure must be of a sufficient size and clarity to appear prominently and conspicuously on the label, making it likely to be read and understood by the consumer.

There are four disclosure options:

- On-package text, e.g. “Bioengineered food,” or “Contains a bioengineered food ingredient”;
- USDA approved symbol for bioengineered food;
- Electronic or digital link that must include instructions to “Scan here for more food information” or similar language that only reflects technological changes, and include the phrase “Call [1-000-000-0000] for more food information”; or
- Text message disclosure must include the statement: “Text [command word] to [number] for bioengineered food information.”

Small food manufacturers may use any of the four disclosure options or direct the consumer to “Call for more food information” or “Visit [URL of the website] for more food information.” Such disclosures require an accompanying phone number or website URL.

Disclosure on *small* packages may be made using shortened versions of the required statements.

Disclosure on *very small* packages may be made using an existing URL or phone number.

How must bioengineered food disclosure be made on foods sold in bulk containers?

Retailers are responsible for disclosure. Disclosure can be made using any of the four standard options, listed above. Disclosure must be placed on signage or other material on or near the bulk food items.

Can an entity make voluntary disclosures?

Entities that are otherwise exempt from disclosure, such as very small food manufacturers and restaurants and similar retail food establishments, may disclose using any of the options available to regulated entities.

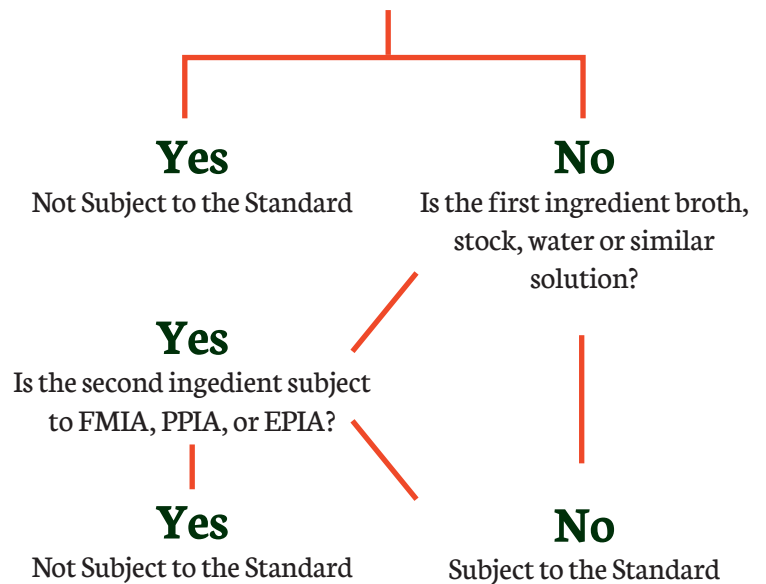
In limited circumstances, certain foods that do not meet the definition of “bioengineered food” but are derived from bioengineered food may be disclosed. If using the symbol for such disclosures, the USDA-approved symbol for food derived from bioengineering must be used.



Is Your Food Subject To Disclosure?

Is the first ingredient subject to the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), or Eggs Product Inspection Act (EPIA)?

Ex. Pork, Beef, Sheep, Goat, Catfish, Chicken, Turkey, Domesticated Birds, Egg Product.



Is there a list of bioengineered foods?

The USDA Agricultural Marketing Service (AMS) maintains the List of Bioengineered Foods on its website: www.ams.usda.gov/rules-regulations/be/bioengineered-foods-list. Foods on the List must be disclosed unless records demonstrate they are not bioengineered.