



Happy Family Brands
40 Fulton Street, 17th Floor
New York, NY 10038

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Implementation of the National Bioengineered Food Disclosure Standard (Pub. L. 114-216)

Dear Secretary Perdue,

Nurture, Inc. (d.b.a. "Happy Family" or "Happy Family Brands") was launched on Mother's Day, 2006, with the purpose of giving babies their healthiest, happiest beginning by offering parents organic, thoughtfully-made food. Since this time, our company has grown into a leader in the US organic baby food sector. Transparency is a key value at Happy Family, and we work diligently to tell our consumers the story of our ingredients, from farm to product. We feel strongly that consumers should have the ability to easily access information across brands about the products they are being offered.

Happy Family is committed to labeling the presence of GMO ingredients in products and we are pleased to have the opportunity to submit comments in response to the United States Department of Agriculture's (USDA) call for input on the *National Bioengineered Food Disclosure Standard* that was enacted on July 29, 2016. We support this bill's call for disclosure of genetically modified ingredients in foods both organic and conventional and that the bill recognizes the USDA organic seal as the gold standard for qualifying products for non-GMO claims.

Below we have provided answers to the questions posted by the USDA and in summary we request the USDA consider the following for the National Bioengineered Food Disclosure Standard:

- Within the law, recognize that bioengineering is interchangeable with language such as "Genetically Modified Organism (GMO)", "Genetically Engineered (GE)" or "Genetically Modified (GM)".



- Continued recognition that USDA organic certified products will not require disclosure as bioengineered and that no modifications will need to be made to the USDA organic regulations. Claims such as “non-GMO”, “not bioengineered” or similar statements regarding absence of genetically modified organisms will be allowable for USDA organic certified products.
- The final rule should clearly state that products exempt from mandatory disclosure as bioengineered foods, such as milk from cows fed genetically modified feed, do not qualify for an absence claim solely because the food is not required to bear a disclosure.
- USDA should create a mechanism for providing public comment on new bioengineering techniques.
- The only clear and concise way to ensure consumers easy access to bioengineering information regarding products is through on-pack text disclosures or the USDA organic symbol.

USDA Question: What terms should AMS consider interchangeable with ‘bioengineering’? (Sec. 291(1))

Consumers commonly understand bioengineering to be referred to as “Genetically Modified Organism (GMO)”, “Genetically Engineered (GE)” or “Genetically Modified (GM)”. Technically speaking, GMO as a term may be diluted from the literal meaning, but this term has become synonymous with the “modification through in vitro recombinant deoxyribonucleic acid (DNA) techniques, for which the modification could not otherwise be obtained through conventional breeding or found in nature” (National Bioengineered Food Disclosure Standard, Sec. 291 (a)(1)).

USDA Question: Although the Law states that the definition of bioengineering shall not affect any other definition, program, rule, or regulation of the Federal government, could there be potential areas of confusion between the definition of bioengineering as used in the Law and others similar terms used by the Federal government? If so, what are the potential remedies that could be added to this regulation to alleviate any confusion between this definition and others by the Federal government? (Sec. 292 (b))

Happy Family believes that the National Bioengineered Food Disclosure Standard should stay consistent with the USDA National Organic Program’s (NOP) regulations that prohibit the use of



certain modifications known as *excluded methods*, a “variety of methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the positions of genes when achieved by recombinant DNA technology). Such methods do not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture” (7 CFR §205.2).

USDA Question: How should AMS craft language in the regulations acknowledging that the Law prohibits animal products from being considered bioengineered solely because the animal consumed feed products from, containing, or consisting of a bioengineered substance? (Sec. 293(b)(2)(A))

AMS should clearly state that products exempt from disclosure, such as milk or other dairy or livestock products from animals fed bioengineered feed, *do not qualify* for a “non-GMO” claim. It is important to remember that organic certification is adequate to make a claim stating the product is absent of bioengineering. We strongly back the provision in the National Bioengineered Food Disclosure Standard that “a food may not be considered to be “not bioengineered” “non-GMO”, or any other similar claim describing the absence of bioengineering in the food solely because the food is not required to bear a disclosure that the food is bioengineered under this subtitle” (Section 294 (c) of Pub. L. 114-216). This should specifically be called out clearly to products derived from animals that have consumed bioengineered feed.

USDA Question: What other factors or conditions should AMS consider under which a food is considered a bioengineered food? (Sec. 293(b)(2)(C))

To ensure that consumers and companies understand the development of new genetic engineering techniques and advances in technology surrounding bioengineering, we urge that there be a well thought out public commenting mechanism in place.



USDA Question: If a manufacturer chooses to use an electronic or digital link to disclose a bioengineered food, what requirements should AMS implement for an electronic or digital link disclosure? (Sec. 293(b)(2)(D))

Happy Family does not view the use of electronic or digital links, such as Quick Response (QR) codes, as a sufficient way of informing consumers of bioengineered food due to a number of technological, regulatory and access-related challenges. Instead we view on-pack text disclosures or the USDA organic symbol as a clear way of informing the consumer about a product's bioengineering status. Should the USDA opt to accept an electronic or digital link disclosure, then they must establish strong rules and performance standards for companies.

We thank you for the opportunity to provide input and for any further questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Shazi Visram", with a long horizontal flourish extending to the right.

Shazi Visram
Founder & CEO
Happy Family Brands