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ISSUE 654 | November 10, 2017



## LEGISLATION, REGULATIONS & STANDARDS

### Senators Urge USDA to Implement GMO Labeling

Several Democratic senators, with Sen. Bernie Sanders (I-Vt.), have sent a [letter](#) to the head of the U.S. Department of Agriculture (USDA) urging Secretary Sonny Perdue to prioritize “consumer-friendly solutions” as the Agricultural Marketing Service undertakes a rulemaking process on the labeling of food made with genetically modified organisms (GMOs). “All Americans have the right to know what is in their food and how their food is produced,” the group argues.

The letter asks Perdue to “consider, and work to address, the obstacles Americans would face while attempting to access GE ingredient information through digital or electronic disclosures,” noting that about one-quarter of American adults do not own a smartphone, which would allow them to scan [QR codes](#) on packaging to access ingredient information.

### USDA Announces Delay for Organic Livestock Rule

The U.S. Department of Agriculture (USDA) has [delayed](#) the effective date of the Organic Livestock and Poultry Practices final

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**[Mark Anstoetter](#)**

rule until May 14, 2018. The rule's original effective date was set for January 19, 2017. According to the [announcement](#), "significant policy and legal issues addressed within the final rule warranted further review by USDA." In September 2017, the Organic Trade Association [sued](#) USDA for delays in the effective date, including a request for an order to enjoin the agency from further postponing the rule's implementation.

## FDA Allows Use of Formic Acid, Ammonium Formate in Animal Feed

The U.S. Food and Drug Administration (FDA) has [announced](#) an amendment to food additive regulations to provide for the use of formic acid and ammonium formate in animal feed and drinking water. Taking effect November 13, 2017, the amendment limits formic acid and salts to 1.2 percent in complete feeds. FDA will [accept](#) comments or requests for a hearing until December 13, 2017.

## Wine Growers Disagree on Geographical Indicators in Trade Negotiations

Amid trade negotiations among the European Union, Japan and Mexico, American manufacturers and winemakers have urged the United States to exert influence on the issue of geographical indicators. In October 2017, a group of food and beverage producers—including the California Wine Institute—[asked](#) the Trump administration to express concerns to Mexico and Japan about limiting the use of common names and terms. While the organizations do not object to the protection of some geographical indicators, such as "Idaho Potatoes" or "Parmigiano Reggiano," the EU "has been aggressively seeking to confiscate generic terms that derive from part of the protected name or are otherwise in common usage, such as 'parmesan,'" the letter argued.

In response, a group of U.S. wine growers has [urged](#) the Trump administration to encourage Japan and Mexico to allow the protection of wine place names. "While we are fully aware of the controversial nature of place names in the food industry, we hope you understand that the issue is far less controversial in the world of wine," the letter asserts. "The U.S. government can

816.474.6550  
[manstoetter@shb.com](mailto:manstoetter@shb.com)



**[Madeleine McDonough](#)**

816.474.6550  
202.783.8400  
[mmcdonough@shb.com](mailto:mmcdonough@shb.com)

### ABOUT SHOOK

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys are experienced at assisting food industry clients develop early assessment procedures that allow for quick evaluation of potential liability and the most appropriate response in the event of suspected product contamination or an alleged food-borne safety outbreak. The firm also counsels food producers on labeling audits and other compliance issues, ranging from recalls to facility inspections, subject to FDA, USDA and FTC regulation.





effectively support increased exports of U.S. wines from U.S. winegrowing regions by allowing for the continued protection of winegrowing place names. That is why we urge you not to intervene with Japan or Mexico to narrow the scope of wine place names protected by their agreements with the European Union.”

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## LITIGATION

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## MEDIA COVERAGE

### New York Times Editorial Criticizes Fear of Food Ingredients

Aaron Carroll, a professor at the Indiana University School of Medicine, argues in a *New York Times* editorial that “panic-du-jour” about unhealthy foods encourages people to unnecessarily live “in terror or struggling to avoid certain foods altogether.” Carroll asserts that the repeated condemnation of various food ingredients—including fat, cholesterol, meat, monosodium glutamate, genetically modified organisms and gluten—“shows how susceptible we are to misinterpreting scientific research and how slow we are to update our thinking when better research becomes available.”

For example, fewer than one percent of Americans have a wheat allergy or celiac disease, Carroll states, but at least one in five regularly chooses gluten-free foods. “Gluten-free diets can lead to deficiencies in nutrients such as vitamin B, folate and iron. Compared with regular bagels, gluten-free ones can have a quarter more calories, two and a half times the fat, half the fiber and twice the sugar. They also cost more,” he notes.

Carroll argues that Americans do not appear to consider scientific opinions about food safety, resulting in a fear of food. “[B]eing afraid of food with no real reason is unscientific—part of the dangerous trend of anti-intellectualism that we confront in many places today.”

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