

November 12, 2017

Ms. Juanita Yates

Center for Food Safety and Applied Nutrition,

c/o Dockets Management Staff (HFA-305)

Food and Drug Administration

5630 Fishers Lane, Rm. 1061

Rockville, MD 20852

Dear Ms. Yates,

The Information Technology and Innovation Foundation (ITIF) is a non-partisan research and educational institute—a think tank—whose mission is to formulate and promote public policies to advance technological innovation and productivity internationally, in Washington, and in the states. Recognizing the vital role of technology in ensuring prosperity, ITIF focuses on innovation, productivity, and digital economy issues. With this letter ITIF responds to the invitation for public comment contained in Docket No. FDA-2017-N-5991 relating to the Congressionally mandated initiative “Agricultural Biotechnology Education and Outreach Initiative; Public Meetings; Request for Comments.”¹

The specific language of the Congressional mandate reads

...That of the total amount made available under this heading, \$3,000,000 shall be used by the Commissioner of Food and Drugs, in coordination with the Secretary of Agriculture, for consumer outreach and education regarding agricultural biotechnology and biotechnology-derived food products and animal feed, including through publication and distribution of science-based educational information on the environmental, nutritional, food safety, economic, and humanitarian impacts of such biotechnology, food products, and feed: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

¹ Consolidated Appropriations Act, 2017, H.R. 244, 115th Cong. (2017).

The docket asks for public input on the following questions: (1) What are the specific topics, questions, or other information that consumers would find most useful, and why? (2) Currently, how and from where do consumers most often receive information on this subject? And (3) How can FDA (in coordination with USDA) best reach consumers with science-based educational information on this subject?² We address them below, in that order.

1. What are the specific topics, questions, or other information that consumers would find most useful, and why?

The general public needs to hear directly from FDA what its mission is in regard to food safety and what it does to fulfill that mission with respect to foods derived through modern breeding methods. In the outreach campaign with which FDA has been tasked by Congress, it would therefore be prudent for FDA to open by introducing itself and describing its statutory authorities and food safety mission. In the context of the present task, the Food and Drug Administration is the federal regulatory agency to which Congress has assigned the primary authority and responsibility for ensuring the safety of the country's food supply. Through the Food, Drug, and Cosmetic Act Congress has given FDA the responsibility to make sure that

- all foods sold in the United States are safe for consumers no matter how they are produced;
- this specifically includes “GMO” or “bioengineered” foods;
- consumers are provided accurate and reliable information about the nutritional content and safety of the foods they buy and consume; and that
- the information provided to consumers by the purveyors of food is accurate, informative, and not misleading.

Consumers generally are not aware of these things, and this lack of awareness is overtly exploited by parties with a pecuniary interest based on misleading consumers. Consequently, due to a widespread, long standing, well-funded disinformation campaign, many believe foods derived through modern breeding methods are not scrutinized for safety nor subject to the overall requirement for food safety in the United States.

² Food and Drug Administration, “Agricultural Biotechnology Education and Outreach Initiative; Public Meetings; Request for Comments,” Federal Register, October 13, 2017
<https://www.federalregister.gov/documents/2017/10/13/2017-22172/agricultural-biotechnology-education-and-outreach-initiative-public-meetings-request-for-comments>.

Consumers need to be reminded by FDA of what causes the vast majority of food safety problems: microbial contamination due to improper handling/preparation; and, ranking as a distant second, food allergies. Consumers need to hear from FDA and understand that there are/have been no safety issues with any bioengineered foods on the market, that widespread claims and suggestions to the contrary are false and misleading, and as such a violation of law as well as community standards against deception. FDA needs to address such false and misleading safety claims directly, and identify, catalog, and make public specific examples of such misrepresentations, showing concretely how they are contradicted by data and experience. It is clearly the intent of Congress that FDA finally confront directly the massive sector of the food industry that is dedicated overtly to misleading consumers on these issues with fear based marketing, which has been ongoing for decades with impunity.³

Consumers need to understand that the dominant narrative about food & feed safety in the online space has been distorted and corrupted by special interests using fear to increase the market share for their favored products despite the lack of any genuine superiority or nutritional, safety, or sustainability value added.⁴ FDA must help the public understand that today's food supply is the most abundant, safest, and least expensive in the history of humanity, and that food additives and processing have been huge positive contributors. Foods claimed to be nutritionally or environmentally superior or safer because they are "natural" or produced through organic methods are not.

FDA needs to communicate clearly and unambiguously to the public that so called "genetically modified" foods represent an arbitrary category without scientific justification.⁵ FDA also needs to communicate that science based risk assessment, data, and vast experience, consistently around the world, confirms that foods

³ Academics Review, "Why Consumers Pay More for Organic Foods? Fear Sells and Marketers Know It," news release, April 7, 2014, <http://academicsreview.org/2014/04/why-consumers-pay-more-for-organic-foods-fear-sells-and-marketers-know-it/>.

⁴ C. Smith Spangler, et al., "Are Organic Foods Safer or Healthier Than Conventional Alternatives? A Systematic Review," *Annals of Internal Medicine*, September 4, 2012, <http://dx.doi.org/10.7326%2f0003-4819-157-5-201209040-00007>.

⁵ Giovanni Tagliabue, "The Meaningless Pseudo-Category of 'GMOs'," *EMBO Reports*, November 12, 2015, <http://onlinelibrary.wiley.com/doi/10.15252/embr.201541385/full>; Giovanni Tagliabue, "The Nonsensical GMO Pseudo-Category and a Precautionary Rabbit Hole," *Nature Biotechnology* 33, 907–908 (2015), <http://dx.doi.org/10.1038/nbt.3333>.

and feed described as “GM” or “GMO” are at least as safe as any other foods, and in some cases safer than the alternatives; and that parties who claim otherwise have no basis for such claims.⁶

2. Currently, how and from where do consumers most often receive information on this subject?

Many, if not most consumers receive information most often via the internet, which has become in this area a vast cesspool of misinformation. One main reason for this is that government agencies like FDA have not been active or effective to date in informing and educating the public on food safety issues. This has left the online conversation landscape to be overrun by fear mongers and special interest groups with pecuniary interests. It is unfortunate that FDA is undertaking this outreach only after having been mandated by Congress to do so. FDA needs to embrace this responsibility and lean forward, including to the point of engaging directly with the main purveyors of misinformation, like Oz, Mercola, Pollan, Infowars, Marion Nestle, Food Babe, Health Ranger, Center for Food Safety, Organic Consumers Association, Organic Trade Association, and their myriad allies and followers. Companies that resort to fear-based marketing unsupported by data need to be both called out and enjoined from such deceptive and misleading activities, and their activities examined with an eye to identifying violations of SEC rules on material misrepresentation and fraudulent claims. Such parties include Stonyfield Farms, Ben & Jerry’s Ice Cream, Clif Bars, Chipotle, the NonGMO project, and more.

3. How can FDA (in coordination with USDA) best reach consumers with science-based educational information on this subject?

FDA’s actions in this effort must be inspired by the vital public interest in fact-based, informed public debate that is the bedrock of democracy. This has been under assault from multiple directions in recent years, aided and abetted by users of social media that deliberately undermine public discourse and drive it in specific directions based on knowingly propagated falsehoods. As some of the leading researchers in cognitive

⁶ European Commission, *A Decade of EU-Funded GMO Research (2001-2010)*, ISBN 978-92-79-16344-9 (Luxembourg, 2010), http://ec.europa.eu/research/biosociety/pdf/a_decade_of_eu-funded_gmo_research.pdf; Alessandro Nicolai, et al., “An Overview of the Last 10 Years of Genetically Engineered Crop Safety Research,” *Critical Reviews in Biotechnology*, September 13, 2013, <http://dx.doi.org/10.3109/07388551.2013.823595>; A. L. Van Eenennaam and A. E. Young, “Prevalence and Impacts of Genetically Engineered Feedstuffs on Livestock Populations,” *Journal of Animal Science* Vol. 92 No. 10, p. 4255-4278, <https://www.animalsciencepublications.org/publications/jas/articles/92/10/4255>; US National Academy of Sciences, “Introduction of Recombinant DNA-Engineered Organisms Into the Environment: Key Issues,” National Academy Press (Washington DC, 1987), <https://books.google.com/books?id=IUErAAAAYAAJ>.

psychology have noted, “If a majority believes in something that is factually incorrect, the misinformation may form the basis for political and societal decisions that run counter to a society’s best interest.”⁷

FDA’s actions must take into account that merely correcting a false statement is not sufficient to banish a mistaken belief; correcting or retracting false statements can in fact serve to reinforce mistaken beliefs; framing corrective information so as to be understood and embraced by the desired audience requires care and understanding; and that repetition is key, so much so that a lie repeated can become taken for truth.⁸ If FDA keeps such understanding in mind, there are numerous things it can do as part of this education effort that should contribute towards achieving the objectives Congress clearly intends, including (but not limited to) the following:

FDA needs to establish a myth busting website analogous to Snopes for food safety topics.⁹ This website would succinctly convey credible information on food safety topics, and debunk widely propagated myths and propaganda.

FDA must develop and support a list of credible, informed and engaging public speakers from academia and government who are available to appear at venues, including hostile ones, and share facts about food safety and nutrition untainted by pecuniary and vested interests.

FDA needs to crack down on false and misleading food labels, including misleading “natural” claims as well as the intrinsically misleading NonGMO project, specious claims of organic food superiority, and other deceptive misrepresentations.

FDA needs a dedicated rapid response communications team in house to work closely with the Federal Trade Commission to identify and sanction those who resort to false and misleading food safety claims and deceptive marketing tactics.

⁷ Stephan Lewandowsky, et al., “Misinformation and Its Correction: Continued Influence and Successful Debiasing,” *Psychological Science in the Public Interest*, September 17, 2012, <https://doi.org/10.1177/1529100612451018>.

⁸ Robert Arnason, “Repetition Can Often Make It True—and Forget About the Science,” *The Western Producer*, October 31, 2017, <http://www.producer.com/2017/10/repetition-can-often-make-it-true-and-forget-about-the-science/>.

⁹ “About Snopes.com,” accessed November 10, 2017, <https://www.snopes.com/about-snopes/>.

FDA needs to work closely and collaboratively with responsible food companies to make sure all understand what the proscription against misleading labels under the law means in practice, and to find ways to ensure that consumers have access to all accurate information relating to the health, safety, and nutritional value of foods they buy.

Thank you for the opportunity to provide comments on this matter.

Sincerely,

L. Val Giddings, Ph.D.

Senior Fellow, The Information Technology and Innovation Foundation