

Vermont's GMO-labeling bill faces tough First Amendment challenges

Legal experts say the Vermont bill requiring foods produced with genetic engineering to be labeled that now just needs Governor Peter Shumlin's signature to be signed into law is likely to face a tough First Amendment challenge.

Unlike other state GMO labeling initiatives (eg. bills that have passed in Maine and Connecticut), the Vermont legislation has no 'trigger clause' and will take effect on July 1, 2016 regardless of action from other states.

A First Amendment challenge to H112 would be tough to defend, say attorneys, as the defense (ie. the state) would have to prove that failure to label GMOs would harm consumers.

"How does a disclosure law protect health and safety, particularly when FDA has concluded that there is no health or safety difference between a GMO product and non-GMO product? The law [H112] doesn't explain why there is a safety issue, it just addresses a consumer preference issue based on a belief that GMOs in food are not safe," said Arnold Friede, senior food and drug law attorney with Sandler, Travis & Rosenberg, P.A. in Miami.

"If the government could compel disclosure of all things that some consumers want to know... then each food package, due to space constraints, would have to be accompanied by an unreadable package insert of the kind that is required for prescription drugs."

Read the full, original article: [Vermont GMO labeling bill heads to governor's desk. But can it withstand a First Amendment challenge?](#)