Pro-GMO advocates capitulate to support GMO label law: Is this science’s Munich agreement?

*It is remarkable to see broad and bipartisan majorities in both the House and Senate come together to pass this GMO disclosure legislation. Republicans and Democrats found consensus on the common ground that a patchwork of different state labeling laws. This is a win-win for every American family in every state.*

—Grocers Manufacturers Association

*What today really means is that we’ve left the legislative period of this battle after seven years and moved into the regulatory and marketplace phase of it, which was where it was always headed anyway.*

—Gary Hirshberg, founder of Stonyfield Organics and Just Label It

The GMO labeling fight is over, eh?

In what can only be described as the Munich Agreement of food labeling (the infamous accord signed by Adolf Hitler and Neville Chamberlain, who declared it would bring “peace for our time” that actually led to an escalation of World War II), the agricultural, food and biotechnology industries appeased the bullies in the anti-GMO movement to reach a “compromise” on mandatory GMO labels. The House passed a Senate-approved bill on July 14, and the reaction from both sides is encapsulated in the quotes above.

So, while one side is declaring peace the other side is mapping out its next move to seize more territory. After all, this war isn’t about transparency or the consumers ‘right to know’ as biotechnology opponents often claim; it’s about power: political and marketplace power.

It’s hard to look into every corner of this fight and not see the manicured fingerprints of Gary Hirshberg, chairman of Stonyfield Organics and mastermind/funder of the pro-labeling movement. Hirshberg became a gazillionaire when he sold most of Stonyfield several years ago which afforded him the time and money he needed to make himself a celebrity by promoting GMO labels. He’s a shrewd and calculating businessman; the way he contrived to turn a science debate into a “consumer” issue, became its face and snookered others to follow him should be taught in B-schools around the country.

Hirshberg has rolled out all the stops to get his way on labeling. He knows how to manipulate both public sentiment and the levers of political power. He enlisted celebrities (including none other than the queen of White Privilege, Gwyneth Paltrow) to make videos and attend Capitol Hill pressers on his behalf. As a major Democratic Party donor, Hirshberg and his wife have contributed hundreds of thousands of dollars to lawmakers; they were bundlers for President Obama and the couple attended a 2012 State Dinner at the White House as a token of the president’s gratitude. Several weeks before a key Senate vote on his issue, Hirshberg hosted a fundraiser for Michigan Senator Debbie Stabenow, who has since carried the
water on mandatory labels.

Not exactly a humble New Hampshire organic dairy farmer with straw in his teeth.

Over the last several years, Hirshberg has set up pro-labeling groups to promote his agenda (Just Label It, Only Organic, Conceal or Reveal) and his company partners with other non-profits (Environmental Working Group, Center for Food Safety) that oppose genetically engineered crops. And a mostly sympathetic media has unwittingly—or co-conspiratorially—referred to these as “consumer advocacy” groups, giving virtuous cover to their real agenda. The same media has yet to ask Mr. Hirshberg how much of his personal fortune he’s spent pushing GMO labels, but they dutifully repeat the inaccurate figures on how much has been spent by pro-GMO “industry,” tallied by the same organization that employs the head of his Just Label It non-profit.

Yet, despite all his high-profile efforts, Hirshberg has few policy victories under his belt. In late 2015, the FDA issued a strong repudiation of mandatory GMO labels, reiterating that “genetically engineered foods are not materially different than other food.” Referenda Hirshberg pushed in four states requiring mandatory GMO labeling failed to get enough votes to pass. And labeling legislation has stalled in most other states, with Vermont the only place with mandatory GMO labeling.

Vermont was shaping up as a disaster for the pro-labeling forces, until Congress bailed them out. By all accounts, the law is a debacle with thousands of products being pulled from store shelves, food makers scrambling to replace GMO ingredients and threats of hefty fines hanging over the heads of food companies. It’s highly unlikely any state would have eagerly followed that lead. The law is tied up in federal court and there’s a good chance, say legal experts, that it could have been declared unconstitutional if the federal law usurping it had not been passed.

But leave it to hapless food/ag/biotech interests to snatch defeat from the jaws of victory. How these industries have handled genetic engineering from the start is a cautionary tale. Instead of holding their ground and letting the Vermont law play out, they capitulated (these folks seem to me like the rich nerdy kid trying to curry favor with popular bullies by letting them drive his BMW; the popular kids drive it, use all the gas, crash it a few times and return it to the poor nerd, laughing.)

The beleaguered food execs apparently believed all the bad press about GMOs and probably figured a short-term victory on behalf of “transparency” would make them look good. They are—and remain—reluctant warriors for their own cause, and their opposition sense that. Their rush to just end this with the mistaken belief professional protestors will move on to another cause will probably backfire. Anti-GMO activists have a foot in the door and are hoping for a more sympathetic Congress in 2017 to rewrite the law and make on-package skull-and-crossbones label mandatory.

Lawmakers, too, reflected the fatigue and resignation of the pro-GMO side. I almost felt sorry for House Agriculture Committee chairmen Mike Conaway and Collin Peterson as they were trying to sell the Senate bill to their colleagues. The House passed a voluntary labeling law one year ago, and they didn’t seem a bit happy about making the rules mandatory. “There’s a lot going on behind the scenes on this issue,” admitted Peterson during his half-hearted endorsement of the bill before the House Rules Committee.
meeting on July 13. “I’ve had people tell me, this isn’t about labeling, this is about getting rid of Round-Up Ready crops.”

Peterson also revealed the another motive behind the labeling crusade: “The problem is, with a lot of these big companies, they said, if you’re going to make us label, then we’re going to reformulate our products so we don’t have to put this on our label.” The anti-GMO activists want genetically engineered crops stopped here and around the world, they want GMOs replaced with non-GMO ingredients and they want companies that refuse to do so, punished with a label.

Hirshberg is poised to take his movement to the next level and exploit yet another demographic to get his way. The guy who features almost exclusively white people on his packaging and in his pro-labeling marketing will now try to paint QR codes as racist. None other than Jesse Jackson, in a stunt apparently orchestrate by the Center for Food Safety that had the fingerprints of Hirshberg all over it, weighed in nanoseconds after the House vote to say that QR codes raise “serious questions of discrimination and unresolved matters of equal protection of the law.” We can expect a lot more where that came from in the coming months and years as rules are finalized by the USDA.

It’s time for the pro-GMO side to regroup. The war is not over and you lost this battle. Science, common sense and the future of global food security are on your side. Act accordingly.

**Julie Kelly is a cooking teacher, food writer and National Review online contributor. Follow her on Twitter at [@julie_kelly2](https://twitter.com/julie_kelly2)**